

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
FOR APPROVAL OF AN AMENDMENT TO) CASE NO. QWE-T-19-06
AN INTERCONNECTION AGREEMENT)
BETWEEN QWEST CORPORATION D/B/A)
CENTURYLINK QC AND XO)
COMMUNICATION SERVICES, LLC FOR)
THE STATE OF IDAHO. PURSUANT TO 47) ORDER NO. 34408
U.S.C. §252(e))**

On July 25, 2019, Qwest Corporation dba CenturyLink QC (“CenturyLink”) applied to the Commission for an order approving a Reciprocal Compensation Bill and Keep Amendment (“Amended Agreement”) to its existing Interconnection Agreement (“Agreement”) with XO Communication Services, LLC (“XO Communications”). With this Order, the Commission approves the Amended Agreement.

BACKGROUND

Under the federal Telecommunications Act of 1996, interconnection agreements, including any amendments to them, must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements “may negotiate terms, prices and conditions that do *not* comply with either the FCC rules or with the provision of Section 251(b) or (c).” Order No. 28427 at 11 (emphasis in original). This comports with the FCC’s regulation that “a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51].” 47 C.F.R. § 51.3.

THE APPLICATION

In its Application, CenturyLink asked the Commission to approve an amendment to its Agreement with XO Communications. The Commission approved the initial Agreement on July 3, 2008. *See* Order No. 30589. The Application states the parties entered into the Amended Agreement through voluntary negotiations without resort to mediation or arbitration. In this

Application, the parties request the Commission approve the Amended Agreement, which modifies the initial Agreement by adding terms and conditions for Reciprocal Compensation to be at Bill and Keep for the exchange of Exchange Service or Extended Service Area Traffic.

STAFF RECOMMENDATION

Staff has reviewed the Application to amend the Agreement between CenturyLink and XO Communications. Staff believes the Amended Agreement is consistent with the FCC's orders and pro-competitive policies of the Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended that the Commission approve the Application.

COMMISSION DECISION

Under the Telecommunications Act, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission's review is limited. The Commission may reject an agreement adopted by negotiation *only* if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity. *Id.*

Based upon its review of the record, the Commission finds that the Amended Agreement is consistent with the public interest, convenience and necessity and does not discriminate. The Commission thus finds it reasonable to grant the Application and approve the Amended Agreement. The Commission's approval of the Amended Agreement does not negate either party's responsibility to obtain a Certificate of Public Convenience and Necessity if they offer local exchange services, or to comply with *Idaho Code* §§ 62-604 and 62-606 if they provide other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

ORDER

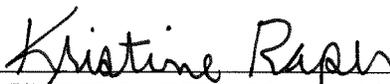
IT IS HEREBY ORDERED that the order requested in the Application and the Amended Agreement are approved.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date upon this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* §§ 61-626 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12th
day of August 2019.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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