

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: DANIEL KLEIN

DATE: JUNE 10, 2020

RE: APPLICATION FOR APPROVAL OF AN AMMENDMENT TO AN
INTERCONNECTION AGREEMENT BETWEEN QWEST
CORPORATION DBA CENTURYLINK QC AND BULLSEYE
TELECOM, INC. CASE NO. QWE-T-20-03.

BACKGROUND

On May 19, 2020, this Commission received an Application seeking approval for an Amendment to an Interconnection Agreement between Qwest Corporation and BullsEye Telecom, Inc. The original Agreement was approved by the Idaho Public Utilities Commission on November 23, 2004. See Order No. 29640.

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements 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. 32034, companies voluntarily entering into interconnection agreement “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 statement 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.

DISCUSSION

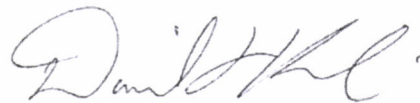
The Application states that the agreement was reached through voluntary negotiations without resort to mediation or arbitration and submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. This agreement amends the Unbundled Network Elements (UNEs) - Resale Forbearance Amendment to the interconnection Agreement ("Amendment") between CenturyLink and BullsEye Telecom, Inc.

STAFF ANALYSIS

Staff has reviewed the Application and believes the agreement is consistent with the FCC orders and pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommends Commission approval of the Application for an interconnection agreement.

COMMISSION DECISION

Does the Commission wish to approve this Application?



Daniel Klein

Udmemos/GWE-T-20-03 Amended Interconnection Agreement Bullseye dec memo