

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF QWEST) CASE NO. QWE-T-21-02
CORPORATION DBA CENTURYLINK QC'S)
APPLICATION FOR APPROVAL OF AN) ORDER NO. 34943
AMENDMENT TO INTERCONNECTION)
AGREEMENT WITH AIRUS, INC.)
PURSUANT TO 47 U.S.C. §252(e))
)

On February 2, 2021, Qwest Corporation dba CenturyLink QC (“CenturyLink”) applied for Commission approval of an amendment (“Amendment”) to an interconnection agreement (“Agreement”) with Airus, Inc. (“Airus”). The Amendment responds to several recent Federal Communications Commission (“FCC”) orders modifying unbundled network element (“UNE”) requirements for incumbent local exchange carriers. With this Order, the Commission approves the Amendment.

BACKGROUND

The federal Telecommunications Act of 1996 (“Act”) permits incumbent local exchange carriers to voluntarily negotiate with a requesting telecommunications carrier for interconnection, services, or network support. 47 U.S.C. § 252(a)(1). Under the Act, 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 a voluntarily negotiated agreement only if it finds that: (1) the agreement discriminates against a telecommunications carrier not a party to the agreement; or (2) implementing the agreement is inconsistent 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 provisions of Section 251(b) or (c).” Order No. 28427 at 11 (emphasis in original). This comports with the FCC’s rule 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 this Application, CenturyLink asks the Commission to approve the Amendment to the Agreement with Airus. The Commission approved the Agreement on June 5, 2015. Order No.

33315. The Amendment is intended to conform the Agreement with several recent FCC orders modifying UNE requirements for incumbent local exchange carriers.

STAFF RECOMMENDATION

Commission Staff reviewed the Application and believes the Amendment is not discriminatory or contrary to the public interest. Staff also believes the Amendment is consistent with the pro-competitive policies of this Commission, Title 62 of the Idaho Code, and the federal Telecommunications Act. Accordingly, Staff recommended the Commission approve the Amendment.

COMMISSION DECISION

Under the federal Telecommunications Act, resale 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 the Commission finds that the agreement would discriminate against nonparty telecommunications carriers or that implementing it would be inconsistent with the public interest, convenience, and necessity. *Id.*


Based upon our review of the Application and the Staff's recommendation, the Commission finds the Amendment does not discriminate against nonparty telecommunications carriers, and that implementing it would be consistent with the public interest, convenience, and necessity. Therefore, the Commission finds it reasonable to grant the Application and approve the Amendment. Our approval of the Amendment 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 Application is granted, and the Amendment is 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 of 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.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8th day of March 2021.



PAUL KJELLANDER, PRESIDENT

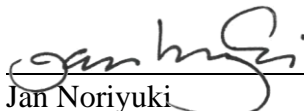


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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