

DECISION MEMORANDUM

**TO: COMMISSIONER ANDERSON
COMMISSIONER CHATBURN
COMMISSIONER HAMMOND
COMMISSION SECRETARY
LEGAL
WORKING FILE**

**FROM: JOHAN E. KALALA-KASANDA
RILEY NEWTON**

DATE: NOVEMBER 7, 2022

**RE: IN THE MATTER OF QWEST CORPORATION DBA CENTURYLINK
QC'S APPLICATION FOR APPROVAL OF AN AMENDMENT TO THE
INTERCONNECTION AGREEMENT WITH AT&T CORPORATION
FOR THE STATE OF IDAHO; CASE NO. QWE-T-22-06.**

On July 27, 2022, Qwest Corporation dba CenturyLink QC ("CenturyLink") submitted an application to the Idaho Public Utilities Commission ("Commission") seeking approval of an Amendment to the Interconnection Agreement with AT&T Corporation ("Amended Agreement"). The agreement is amended by removing the terms, conditions, and rates for Batch Hot Cut (see Attachment No. 1 to the Application).

The original Interconnection Agreement was approved by the Commission on June 22, 2004, under Order No. 29530 in Case No. QWE-T-04-09 (the "Agreement"). CenturyLink requests that the matter be placed on the Commission's regular agenda for expedited approval.

BACKGROUND

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: "(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion 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 that voluntarily enter 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. 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 this part.” 47 C.F.R. § 51.3.

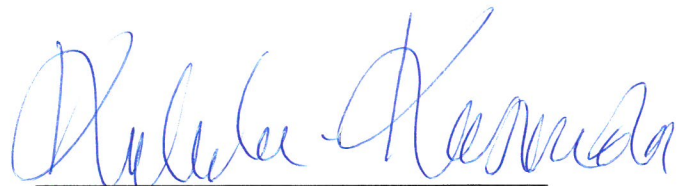
STAFF DISCUSSION AND RECOMMENDATION

CenturyLink states that the Amended Agreement was reached through voluntary negotiations without resorting 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. Application at 1. CenturyLink asserts that this Amended Agreement removes terms, conditions, and rates for Batch Hot Cut from the Agreement as outlined in Attachment No. 1.

Staff reviewed the Amended Agreement between the parties and believes that the new agreement is consistent with the terms and conditions of this Commission, the pro-competitive policies of this Commission, the Idaho Legislature, and the Federal Telecommunications Act of 1966. Staff recommends that the Commission approves the Amended Interconnection Agreement Application as filed.

COMMISSION DECISION

Does the Commission wish to approve this Application?



Johan E. Kalala-Kasanda

Udmemos/QWE-T-22-06 Interconnection Agreement with AT&T Corporation.