

## **DECISION MEMORANDUM**

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

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

**DATE:       NOVEMBER 22, 2022**

**RE:         IN THE MATTER OF QWEST CORPORATION DBA CENTURYLINK  
QC'S APPLICATION FOR APPROVAL OF AN AMENDMENT TO THE  
INTERCONNECTION AGREEMENT WITH ACN COMMUNICATIONS  
SERVICES, LLC FOR THE STATE OF IDAHO;  
CASE NO. QWE-T-22-08.**

On August 1, 2022, Qwest Corporation dba CenturyLink QC ("CenturyLink") filed an application ("Application") to the Idaho Public Utilities Commission ("Commission") seeking approval of an Amendment to the Interconnection Agreement with ACN Communications Services ("Amended Agreement"). This is the Batch Hot Cut Removal Amendment ("Amendment") which removes 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 November 17, 2003, under Order No. 29380 in Case No. QWE-T-03-26 (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.

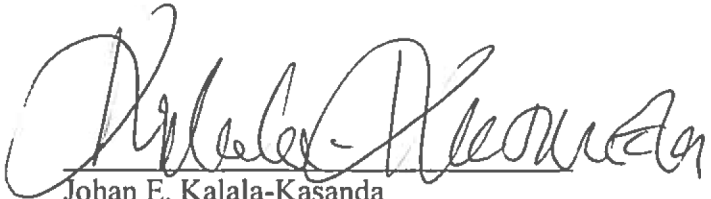
### STAFF DISCUSSION AND RECOMMENDATION

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 to the Application.

Staff reviewed the Amended Agreement between the parties and believes that it 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 1996. Staff recommends that the Commission approve the Amended Interconnection Agreement Application as filed.

### COMMISSION DECISION

Does the Commission wish to approve this Application?



Johan E. Kalala-Kasanda