

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF QWEST)
CORPORATION DBA CENTURYLINK QC'S) CASE NO. QWE-T-22-12
APPLICATION FOR APPROVAL OF AN)
AMENDMENT TO THE)
INTERCONNECTION AGREEMENT WITH) ORDER NO. 35612
GREENFLY NETWORKS, INC. FOR THE)
STATE OF IDAHO)
_____)**

On September 2, 2022, Qwest Corporation dba CenturyLink QC (“CenturyLink”) submitted an application to the Idaho Public Utilities Commission (“Commission”) seeking approval of an Amendment (“Amendment”) with Greenfly Networks, Inc. (“Agreement”). The Amendment adds additional terms and conditions for Unbundled Network Elements. The Commission approved the Agreement on February 18, 2009. Order No. 30730.

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). Companies voluntarily entering into interconnection agreements “may negotiate terms, prices and conditions that do not comply with either the [Federal Communications Commission] rules or with the provisions of Section 251(b) or (c).” Order No. 28427 at 11. This comports with the Federal Communications Commission’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

CenturyLink stated that the Amendment “was reached through voluntary negotiations without resort to mediation or arbitration and is 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.

STAFF RECOMMENDATION

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

COMMISSION FINDINGS AND DECISION

Under the 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 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.*

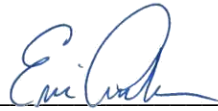
Based upon our review of the Application and Staff’s recommendation, the Commission finds the Amendment does not discriminate against nonparty telecommunications carriers, and that implementing it would be consistent with the public interest, convenience, and necessity. Therefore, the Commission finds 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. *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 30th day of November 2022.



ERIC ANDERSON, PRESIDENT

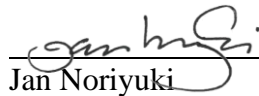


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND, JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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