

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 GREENFLY NETWORKS,
INC. FOR THE STATE OF IDAHO; CASE NO. QWE-T-22-12.**

On September 2, 2022, Qwest Corporation dba CenturyLink QC (“CenturyLink”) filed an Application to the Idaho Public Utilities Commission (“Commission”) seeking approval of an Amendment to the Interconnection Agreement with Greenfly Networks, Inc. (“Amended Agreement”). This is the FCCs’ Modernizing Unbundling and Resale Requirements Amendment (“Amendment”) which add additional terms and conditions to the agreement for Unbundled Network Elements (“UNEs”) as outlined in Attachment 1 and Exhibit A to the Application.

The original Interconnection Agreement between the parties was approved by the Commission on February 18, 2009, under Commission Order No. 30730 in Case No. QWE-T-09-02 (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.

Staff reviewed the Application and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Amended Agreement is consistent with the public interest as identified in the pro-competitive policies of this Commission, the Idaho Legislature, and the Federal Telecommunications Act of 1996. Accordingly, Staff believes that this amendment to the Agreement merits the Commission’s approval.

COMMISSION DECISION

Does the Commission wish to approve this Application?



Johan E. Kalala-Kasanda

Udmemos/QWE-T-22-12 Amendment to the Interconnection Agreement with Greenfly Networks Inc