

DECISION MEMORANDUM

TO: COMMISSIONER ANDERSON
COMMISSIONER HAMMOND
COMMISSIONER LODGE
COMMISSION SECRETARY
LEGAL

FROM: JOHAN E. KALALA-KASANDA
MICHAEL DUVAL

DATE: APRIL 10, 2023

RE: IN THE MATTER OF QWEST CORPORATION DBA CENTURYLINK
QC'S APPLICATION FOR APPROVAL OF THE INTERCONNECTION
AGREEMENT WITH WIDE VOICE, LLC FOR THE STATE OF IDAHO;
CASE NO. QWE-T-23-01.

On March 20, 2023, Qwest Corporation dba CenturyLink QC ("CenturyLink" or "Company") submitted an application to the Idaho Public Utilities Commission ("Commission") seeking Commission approval of an Interconnection Agreement ("Agreement") by and between CenturyLink and Wide Voice, LLC ("Wide Voice") for the State of Idaho. The Agreement includes terms and conditions for Interconnection, Unbundled Network Elements, and Ancillary Services between the two companies. 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 the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) 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 Part 51.” 47 C.F.R. § 51.3.

STAFF DISCUSSION AND RECOMMENDATION

The Application states that the Agreement was reached through voluntary negotiations without resort 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. This Agreement establishes specific terms and conditions under which the parties may exchange traffic between them, as outlined in Attachment 1 to the Application.

Staff reviewed the Agreement between the parties and believes that the 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 1934, as amended by the Telecommunications Act of 1996. Staff recommends Commission approval of the Amended Interconnection Agreement.

COMMISSION DECISION

Does the Commission wish to approve this Application?



Johan E. Kalala-Kasanda

Udmemos/QWE-T-23-01 Interconnection Agreement between CenturyLink and Wide Voice LLC