# BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION	) <b>CASE NO. QWE-T-23-03</b>
OF QWEST CORPORATION DBA	)
CENTURYLINK QC FOR APPROVAL OF	)
AN AMENDMEN TO INTERCONNECTION	) ORDER NO. 36026
AGREEMENT WITH TIME WARNER	)
CABLE INFORMATION SERVICES	)
(IDAHO), LLC	)
	_ )

On August 16, 2023, Qwest Corporation dba CenturyLinkQC ("CenturyLink") applied to the Commission for approval of an Amendment to the Interconnection Agreement with Time Warner Cable Information Services (Idaho), LLC that was approved on September 1, 2022, in Case No. QWE-T-21-13 ("Amendment"). Order No. 35519. According to CenturyLink, the Amendment was reached through voluntary negotiations without resort to mediation or arbitration and adds terms and conditions for interconnection operations support systems, billing support systems, and local number portability.

#### **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)(l). 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. Likewise, the FCC stated 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

The Application indicates that the Amendment was reached through voluntary negotiations without resort to mediation or arbitration and was submitted for Commission approval pursuant to

Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. As previously stated, the Amendment adds terms and conditions for interconnection operations support systems, billing support systems, and local number portability.

#### STAFF REVIEW

After reviewing the Application and Amendment, Staff believed the Amendment is consistent with FCC orders and the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Consequently, Staff recommended that the Commission approve the Amendment.

# **COMMISSION FINDINGS**

Under the terms of the Telecommunications 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 it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience, and necessity. *Id*.

Based upon our review of the Application and Staff's recommendation, the Commission finds that the Amendment is consistent with the public interest, convenience, and necessity and does not discriminate. Therefore, the Commission finds that the Application should be approved. Approval of this Application does not negate the parties' responsibility to obtain a Certificate of Public Convenience and Necessity if they plan to offer local exchange services, or to comply with *Idaho Code* §§ 62-604 and 62-606 if they plan to provide other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

### **ORDER**

IT IS HEREBY ORDERED that the Amendment to the Agreement between CenturyLink and Time Warner Cable Information Services (Idaho), LLC, Case No. QWE-T-21-13, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) may petition for reconsideration within twenty-one (21) days of the service date of this Order regarding any matter decided therein. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* §§ 61-626 and 62-619.

DONE by order of the Idaho Public Utilities Commission at Boise, Idaho this 14th day of December 2023.

ERIC ANDERSON, PRESIDENT

OHN R. HAMMOND JR., COMMISSIONER

EDWARD LODGÉ, COMMISSIONER

ATTEST:

Monica Barrios-Sanchez

Interim Commission Secretary