

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION) CASE NO. QWE-T-24-02
OF QWEST CORPORATION DBA)
CENTURYLINK QC FOR APPROVAL OF) ORDER NO. 36285
AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT WITH)
MCIMETRO ACCESS TRANSMISSION)
SERVICES LLC)
)

On June 11, 2024, Qwest Corporation dba CenturyLink QC (“CenturyLink”) applied for Commission approval of an amendment (“Amendment”) to an interconnection agreement (“Agreement”) with MCImetro Access Transmission Services LLC (“MCImetro ATS”) that was approved in Case No. QWE-T-06-24. The Amendment includes terms, conditions, and rates for Cageless Collocation Bay Procurement. With this Order, the Commission approves the Amendment.

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).

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

In this Application, CenturyLink asks the Commission to approve the Amendment to the Agreement with MCImetro ATS. The Commission approved the Agreement on March 7, 2006. Order No. 29986. The Amendment adds terms, conditions, and rates for Cageless Collocation Bay Procurement and allows Competitive Local Exchange Carriers (“CLEC”) to request CenturyLink to procure and install necessary equipment bay infrastructure for CLEC. CenturyLink confirmed that the Amendment to the Agreement was formed through voluntary negotiations without resort to mediation or arbitration.

STAFF RECOMMENDATION

Staff reviewed the Application and believes the Amendment is consistent with the FCC orders and pro-competitive policies of the Commission, the Idaho Legislature, and the Federal Telecommunications Act. Accordingly, Staff recommends Commission approval of CenturyLink’s Application for an Amendment made to its Interconnection Agreement with MCImetro ATS.

COMMISSION DECISION

Under the Federal Telecommunications Act, resale 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.

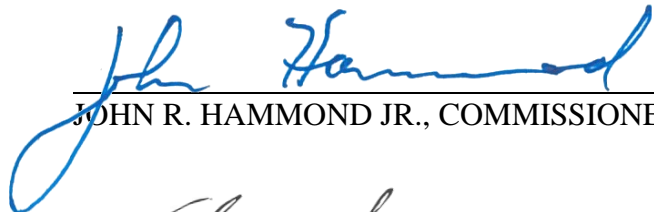
ORDER

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 (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. *Idaho Code* § 61-626 and 62-619.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8th day of August 2024.


ERIC ANDERSON, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


EDWARD LODGE, COMMISSIONER

ATTEST:


Monica Barrios Sanchez
Commission Secretary

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