

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
 OF CENTURYTEL OF IDAHO, INC. DBA) **CASE NO. CEN-T-12-02**
 CENTURYLINK FOR APPROVAL OF ITS)
 INTERCONNECTION AGREEMENT WITH)
 QUANTAMSHIFT COMMUNICATIONS,)
 INC. PURSUANT TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF CENTURYTEL OF THE GEM STATE,) **CASE NO. CGS-T-12-02**
 INC. DBA CENTURYLINK FOR APPROVAL)
 OF ITS INTERCONNECTION AGREEMENT)
 WITH QUANTAMSHIFT)
 COMMUNICATIONS, INC. PURSUANT TO)
 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION DBA) **CASE NO. QWE-T-12-04**
 CENTURYLINK QC FOR APPROVAL OF)
 ITS INTERCONNECTION AGREEMENT)
 WITH OPTIX MEDIA, LLC PURSUANT TO) **ORDER NO. 32509**
 47 U.S.C. § 252(e))

In these cases, the Commission is asked to approve Interconnection Agreements between CenturyTel of Idaho, Inc. dba CenturyLink and QuantamShift Communications, Inc.; CenturyTel of the Gem State, Inc. dba CenturyLink and QuantamShift; and Qwest Corporation dba CenturyLink QC and Optix Media, LLC. With this Order, the Commission approves these Interconnection Agreements.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements, including amendments thereto, 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 the agreement 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 voluntarily entering 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 (emphasis in original). 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.

THE APPLICATIONS

1. CenturyLink and QuantamShift, Case Nos. CEN-T-12-02 and CGS-T-12-02. On March 2, 2012, CenturyTel of Idaho, Inc. dba CenturyLink and CenturyTel of the Gem State, Inc. dba CenturyLink submitted Applications for approval of Interconnection Agreements with QuantamShift. In the Applications, the parties request that the Commission approve an agreement that includes terms and conditions, pricing, ancillary services and telecommunications services available for resale within the geographical areas in which both parties are providing local exchange service, and for which CenturyLink is the incumbent local exchange carrier (ILEC) in Idaho.

2. CenturyLink QC and Optix Media, Case No. QWE-T-12-04. On March 15, 2012, the Commission received CenturyLink QC’s Application requesting approval of its Interconnection Agreement with Optix Media. The parties’ proposed Agreement includes terms and conditions for unbundled network elements, ancillary services and the resale of telecommunications services. The Agreement also includes Exhibit B (271 PID Version 9.1) and Exhibit K (PAP Version- Third Revised, Seventh Amended, dated December 17, 2010).

STAFF RECOMMENDATION

Staff reviewed the foregoing Applications and did not find any terms or conditions it considers to be discriminatory or contrary to the public interest. Staff believes the Interconnection Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended the Commission approve the foregoing Interconnection Agreements.

COMMISSION DECISION

Under the terms of the Telecommunications Act, interconnection agreements, including amendments thereto, must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). However, 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 Applications and Staff's recommendations, the Commission finds that the Interconnection Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements, reviewed by Staff and more fully described above, should be approved. Approval of the Agreements does not negate the responsibility of either party to these Agreements to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or to comply with *Idaho Code* §§ 62-604 and 62-606 if they are providing other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

ORDER


IT IS HEREBY ORDERED that the Interconnection Agreement between CenturyTel of Idaho, Inc. dba CenturyLink and QuantamShift Communications, Inc., Case No. CEN-T-12-02, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of the Gem State, Inc. dba CenturyLink and QuantamShift Communications, Inc., Case No. CGS-T-12-02, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Optix Media, LLC, Case No. QWE-T-12-04, 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. 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 5th
day of April 2012.



PAUL KJELLANDER, PRESIDENT

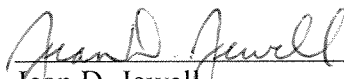


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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