

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
QWEST CORPORATION DBA CENTURYLINK) CASE NO. QWE-T-10-03
QC FOR APPROVAL OF AN AMENDMENT TO)
ITS INTERCONNECTION AGREEMENT WITH)
NEUTRAL TANDEM, INC. PURSUANT TO 47)
U.S.C. § 252(e)) ORDER NO. 32752
_____)**

In this case the Commission is asked to approve an amendment to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC (“CenturyLink”) and Neutral Tandem, Inc. (“Neutral Tandem”). With this Order, the Commission approves the amendment to the parties’ Interconnection Agreement.

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 APPLICATION

On February 14, 2013, the Commission received an Application from CenturyLink requesting approval of an amendment to its Interconnection Agreement with Neutral Tandem, originally approved by the Commission on June 22, 2010. *See* Order No. 32008. In this Application, the parties request that the Commission approve the ICC Voice over Internet Protocol (VoIP) amendment. The proposed amendment includes the terms and provisions

governing the intercarrier compensation between the parties for the exchange of VoIP-PSTN traffic.

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). The Commission's review is limited, however. 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 the Staff's recommendation, the Commission finds that the amendment to the parties' Interconnection Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the Agreement, including amendments thereto, should be approved. Approval of an interconnection agreement does not negate the responsibility of either party to an agreement 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 amendment to the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and Neutral Tandem, Inc., Case No. QWE-T-10-03, 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 22nd
day of February 2013.


PAUL KJELLANDER, COMMISSIONER


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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