

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** CAROLEE HALL

**DATE:** APRIL 10, 2017

**RE:** APPLICATION FOR APPROVAL OF AN AMENDMENT TO AN INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION DBA CENTURYLINK QC AND NEUTRAL TANDEM - IDAHO, LLC. TO ACT AS A CARRIER PARTNER FOR AN INTERCONNECTED VOIP PROVIDER IN CASE NO. QWE-T-10-03.

### BACKGROUND

Under the provision 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 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.

### CURRENT APPLICATION

On April 5, 2017, this Commission received an Application from CenturyLink QC requesting authority to amend its Interconnection Agreement with Neutral Tandem – Idaho, LLC. See Case No. QWE-T-10-03. The Agreement states that Neutral Tandem- Idaho, LLC,

wishes to act as a Carrier Partner. A Carrier Partner is a Competitive Local Exchange Carrier (CLEC) that provides the facilities and trunking that an Interconnected VoIP provider needs in order to exchange traffic with CenturyLink and demonstrates facilities readiness as described in the FCC's VoIP Numbering Order. See FCC Report and Order 15-70 ("VoIP Numbering Order"), released June 22, 2015.

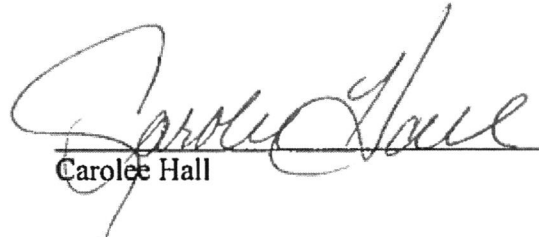
The agreement states in the Application that both parties request an expeditious approval process and maintain that the Agreement was reached through voluntary negotiations.

### STAFF ANALYSIS

Staff has reviewed the Application to amend the Interconnection Agreement between the companies. Staff is confident that the amendment meets the terms and conditions of this Commission and believes it is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that this filing merits the Commission's approval.

### COMMISSION DECISION

Does the Commission wish to approve CenturyLink's amendment to its Interconnection Agreement with Neutral Tandem, LLC?



Carolee Hall

iudmemos/QWE-T-10-03 AMENDMENT Between Qwest and Neutral Tandem – Idaho, LLC. Carrier Partner for interconnected VoIP Provider