

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
LEGAL
WORKING FILE**

FROM: CAROLEE HALL

DATE: DECEMBER 18, 2013

**RE: JOINT APPLICATION OF QWEST CORPORATION DBA
CENTURYLINK (CENTURYLINK) AND ONVOY, INC. (ONVOY)
TO ADOPT ZAYO GROUP FKA 360NETWORKS (USA) INC.
INTERCONNECTION AGREEMENT. CASE NO. QWE-T-13-08.**

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 December 17, 2013, CenturyLink submitted its Application for approval of the Interconnection, Resale and/or Unbundling Agreement with Onvoy. Onvoy is adopting the Interconnection Agreement between CenturyLink and Zayo Group, LLC, fka 360networks (USA) Inc. This Commission approved the Agreement between CenturyLink and Zayo on March 7, 2006. *See* QWE-T-06-2.

STAFF ANALYSIS AND RECOMMENDATION

Staff has reviewed the Agreement and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Agreement is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Agreement merits the Commission's approval.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

i:\udmemos\QWE-T-13-08 CenturyLink and Onvoy ADOPTING Zayo Group LLC f.k.a 360networks