

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION DBA) CASE NO. QWE-T-16-04
CENTURYLINK QC TO AMEND ITS)
INTERCONNECTION AGREEMENT WITH)
COMMIO, LLC) ORDER NO. 34012
)**

On February 15, 2018, Qwest Corporation dba CenturyLink QC (Qwest) and Commio, LLC (Commio) (Applicants) applied to the Commission for an Order approving an amendment to their interconnection agreement (Amended Agreement). With this Order, the Commission approves the Amended Agreement.

BACKGROUND

Under the provisions 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 FCC regulations which state 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

The Applicants filed the Amended Agreement as part of a compliance filing per FCC Order No. 11-161. The Amended Agreement sets out specific conditions under which the Parties may use a Third Party Transit Provider to exchange traffic between their networks. See Attachment 1 to the Amended Agreement. The Application stated that the Amended Agreement was reached through voluntary negotiation without resort to mediation or arbitration and was

submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.

STAFF RECOMMENDATION

Staff reviewed the Application and Amended Agreement and believes the terms and conditions are not discriminatory or contrary to the public interest. Staff also believes the Amended Agreement is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended that the Commission approve the Amended Agreement.

COMMISSION DECISION

Under the terms of the Telecommunications Act, 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 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, Amended Agreement and Staff's recommendation, the Commission finds that the Amended Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the Amended Agreement at issue should be approved. Our approval 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 Amended Agreement between Qwest Corporation dba CenturyLink QC and Commio, LLC, 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 March 2018.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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