

**TO:** COMMISSIONERS AND ADVISORS  
**FROM:** LORENA REICHERT AND AMANDA REISS  
**SUBJECT:** DOCKET TC16-060 – APPROVAL OF A CARRIER PARTNER FOR INTERCONNECTED VOIP PROVIDER AMENDMENT TO THE INTERCONNECTION AGREEMENT BETWEEN QWEST CORPORATION DBA CENTURYLINK QC AND LEVEL 3 COMMUNICATIONS, LLC  
**DATE:** NOVEMBER 21, 2016

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#### STAFF MEMORANDUM

On October 28, 2016, pursuant to 47 USC § 252, Qwest Corporation dba CenturyLink QC (CenturyLink) and Level 3 Communications (Level 3) submitted an amendment to an interconnection agreement adopted by negotiation to the South Dakota Public Utilities Commission for approval. The proposed amendment would permit Level 3 to provide a switch and combine its traffic with an Interconnected VoIP Provider's VoIP-PSTN Traffic and exchange such traffic with CenturyLink according to the terms of the amendment.

47 U.S.C. § 252(e) is the authority regarding the filing of negotiated interconnection agreements and provides that a "State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies." The law further provides that the commission may only reject a negotiated agreement if the agreement discriminates against a telecommunications carrier not party to the agreement or if the implementation of the agreement is not consistent with the public interest, convenience, or necessity.

Staff has found that this amendment to the agreement is properly filed and executed and the amendment does not appear to discriminate against a telecommunications carrier not party to the agreement. No comments were filed regarding the amendment.

The amendment, which provides for the switching of, and combination and exchange of traffic of Interconnected VoIP Providers through Level 3 Communications, is the first such agreement filed with the PUC. It is staff's position that this amendment only pertains to the business between the Level 3 and CenturyLink and does not affect any other requirement on a company providing telecommunications services within the State of South Dakota, as defined by SDCL 49-31-1(29).