

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
 OF FRONTIER COMMUNICATIONS ) CASE NO. GTE-T-97-10  
 NORTHWEST INC. FKA VERIZON )  
 NORTHWEST INC. FKA GTE NORTHWEST )  
 INCORPORATED FOR APPROVAL OF )  
 AMENDMENTS TO ITS )  
 INTERCONNECTION AGREEMENT WITH )  
 NEXTEL WEST CORP., PURSUANT TO 47 )  
 U.S.C. § 252(e) )**

**I N THE MATTER OF THE APPLICATION )  
 OF CENTURYTEL OF THE GEM STATE, ) CASE NO. CGS-T-11-01  
 INC. DBA CENTURYLINK FOR APPROVAL )  
 OF AMENDMENTS TO ITS )  
 INTERCONNECTION AGREEMENT WITH )  
 VERIZON WIRELESS, PURSUANT TO 47 )  
 U.S.C. § 252(e) )**

**IN THE MATTER OF THE APPLICATION )  
 OF CENTURYTEL OF IDAHO, INC. DBA ) CASE NO. CEN-T-11-01  
 CENTURYLINK FOR APPROVAL OF ITS )  
 INTERCONNECTION AGREEMENT WITH )  
 VERIZON WIRELESS, PURSUANT TO 47 ) ORDER NO. 32866  
 U.S.C. § 252(e) )**

In these cases, the Commission is asked to approve amendments to previously approved Interconnection Agreements. With this Order, the Commission approves the amendments to the Interconnection Agreements.

**BACKGROUND**

Under the provisions of the federal Telecommunications Act of 1996 (“the Act”), 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

1. Frontier Communications Northwest Inc. and Nextel West Corp., Case No. GTE-T-97-10. On June 28, 2013, Frontier submitted an Application for approval of Amendment No. 2 to the Interconnection Agreement with Nextel, previously approved by the Commission on September 9, 1997. *See* Order No. 27127. In this Application, the parties request that the Commission approve the terms and conditions for reciprocal compensation rates as provided in the *USF/ICC Transformation Order* FCC 11-161 (rel. November 18, 2011) and in *FCC 11-189 Order on Reconsideration* (rel. December 23, 2011). In the event that the Federal Communications Commission revises, reconsiders, changes or modifies the reciprocal compensation rates, such action may be incorporated into this Agreement pursuant to the change of law provisions of the Agreement.

2. CenturyTel of the Gem State, Inc. dba CenturyLink and Verizon, Case No. CGS-T-11-01. On July 12, 2013, CenturyLink submitted an Application to amend its Interconnection Agreement with Verizon, previously approved by the Commission on March 4, 2011. *See* Order No. 32198. In this Application, the parties request that the Commission approve the terms and conditions and rates for intercarrier compensation as set forth in the Federal Communications Commission’s Docket No. 01-92, *In the Matter of Developing an Unified Intercarrier Compensation Regime*, released on November 18, 2011, and its Order on Reconsideration, released on December 23, 2011.

3. CenturyTel of Idaho, Inc. dba CenturyLink and Verizon Wireless, Case No. CEN-T-11-01. On July 12, 2013, CenturyLink submitted an Application to amend its Interconnection Agreement with Verizon, previously approved by the Commission on March 4, 2011. *See* Order No. 32198. In this Application, the parties request that the Commission approve the terms and conditions and rates for intercarrier compensation as set forth in the Federal Communications Commission’s Docket No. 01-92, *In the Matter of Developing an Unified Intercarrier Compensation Regime*, released on November 18, 2011, and its Order on Reconsideration, released on December 23, 2011.

### **STAFF RECOMMENDATION**

Staff reviewed the Applications and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the amendments to the Interconnection Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended the Commission approve the amendments to the Interconnection Agreements.

### **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). However, 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 Applications and Staff's recommendations, the Commission finds that the amendments to the Interconnection Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments to the Interconnection Agreements should be approved. Approval of the Agreements does not negate the responsibility of either party to these Agreements 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 amendments to the Interconnection Agreement between Frontier Communications Northwest Inc. fka Verizon Northwest Inc. fka GTE Northwest Incorporated, and Nextel West Corp., Case No. GTE-T-97-10, are approved.

IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between CenturyTel of the Gem State, Inc. dba CenturyLink and Verizon Wireless, Case No. CGS-T-11-01, are approved.

IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between CenturyTel of Idaho, Inc. dba CenturyLink and Verizon Wireless, Case No. CEN-T-11-01, are 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 1<sup>st</sup> day of August 2013.

  
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PAUL KJELLANDER, PRESIDENT

  
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MACK A. REDFORD, COMMISSIONER

  
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MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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