

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF THE GEM STATE, INC.) **CASE NO. CGS-T-14-01**
DBA CENTURYLINK FOR APPROVAL OF ITS)
INTERIM ARRANGEMENT AGREEMENT)
WITH TELEPORT COMMUNICATIONS OF)
AMERICA PURSUANT TO 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF IDAHO, INC. DBA) **CASE NO. CEN-T-14-01**
CENTURYLINK FOR APPROVAL OF ITS)
INTERIM ARRANGEMENT AGREEMENT)
WITH TELEPORT COMMUNICATIONS OF) **ORDER NO. 33001**
AMERICA PURSUANT TO 47 U.S.C. § 252(e))

In this case the Commission is asked to approve Interim Arrangement Agreements between CenturyTel of the Gem State, Inc. dba CenturyLink and CenturyTel of Idaho, Inc. dba CenturyLink and Teleport Communications of America, LLC. With this Order, the Commission approves the 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 APPLICATIONS

1. CenturyTel of the Gem State dba CenturyLink and Teleport Communications of America, LLC, Case No. CGS-T-14-01. On March 6, 2014, CenturyTel of the Gem State

submitted an Interim Arrangement Agreement with Teleport. With this filing the companies agreed to enter into an interim arrangement through voluntary negotiations without resort to mediation or arbitration, while continuing to negotiate in good faith a final interconnection agreement. Staff encourages the parties to finalize the interconnection agreement negotiations and file the appropriate interconnection agreement as soon as possible.

2. CenturyTel of Idaho dba CenturyLink and Teleport Communications of America, LLC, Case No. CEN-T-14-01. On March 6, 2014, CenturyTel of Idaho submitted an Interim Arrangement Agreement with Teleport. With this filing the companies agreed to enter into an interim arrangement through voluntary negotiations without resort to mediation or arbitration, while continuing to negotiate in good faith a final interconnection agreement. Staff encourages the parties to finalize the interconnection agreement negotiations and file the appropriate interconnection agreement as soon as possible.

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 Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the 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 recommendation, the Commission finds that the Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the 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 Interim Agreement between CenturyTel of the Gem State, Inc. dba CenturyLink and Teleport Communications of America, LLC, Case No. CGS-T-14-01, is approved.

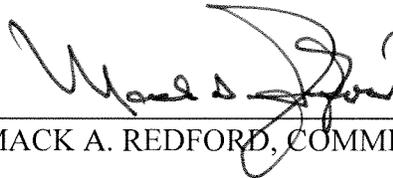
IT IS FURTHER ORDERED that the Interim Agreement between CenturyTel of Idaho, Inc. dba CenturyLink and Teleport Communications of America, LLC, Case No. CEN-T-14-01, is approved.

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 25th day of March 2014.



PAUL KJELLANDER, PRESIDENT



MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

O:CGS-T-14-01_CEN-T-14-01_np