

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION )  
 OF CENTURYTEL OF IDAHO, INC. DBA ) CASE NO. CEN-T-15-01  
 CENTURYLINK FOR APPROVAL OF ITS )  
 INTERCONNECTION AGREEMENT WITH )  
 TELEPORT COMMUNICATIONS )  
 AMERICA, LLC FOR THE STATE OF )  
 IDAHO, PURSUANT TO 47 U.S.C. § 252(e) )

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IN THE MATTER OF THE APPLICATION )  
 OF CENTURYTEL OF THE GEM STATE, ) CASE NO. CGS-T-15-01  
 INC. DBA CENTURYLINK FOR APPROVAL )  
 OF ITS INTERCONNECTION AGREEMENT )  
 WITH TELEPORT COMMUNICATIONS ) ORDER NO. 33220  
 AMERICA, LLC FOR THE STATE OF )  
 IDAHO, PURSUANT TO 47 U.S.C. § 252(e) )

In this case the Commission is asked to approve Interconnection Agreements between CenturyTel of Idaho, Inc. dba CenturyLink and CenturyTel of the Gem State, 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, 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 Idaho and Teleport, Case No. CEN-T-15-01. On January 12, 2015, CenturyTel of Idaho submitted an Application for approval of its Interconnection Agreement with Teleport. The Agreement establishes terms and conditions for interconnection, transport and termination of traffic, unbundled network elements, ancillary services, collocation, resale, and pricing.

2. CenturyTel of the Gem State and Teleport, Case No. CGS-15-01. On January 12, 2015, CenturyTel of the Gem State submitted an Application for approval of its Interconnection Agreement with Teleport. The Agreement establishes terms and conditions for interconnection, transport and termination of traffic, unbundled network elements, ancillary services, collocation, resale, and pricing.

## **STAFF RECOMMENDATION**

Staff reviewed the Applications for approval of the aforementioned Interconnection Agreements and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Interconnection Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended the Commission approve the Interconnection Agreements.

## **COMMISSION FINDINGS**

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). The Commission's review is limited, however. 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 parties' Interconnection Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements, including amendments thereto, should be approved. Approval of an Interconnection Agreement does not negate the responsibility of either party to an Agreement 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 Interconnection Agreement between CenturyTel of Idaho, Inc. dba CenturyLink and Teleport Communications America, LLC for the State of Idaho, Case No. CEN-T-15-01, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of the Gem State, Inc. dba CenturyLink, and Teleport Communications America, LLC for the State of Idaho, Case No. CGS-T-15-01, 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.

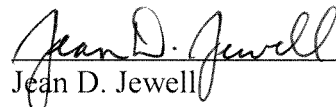
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 3<sup>rd</sup>  
day of February 2015.

  
PAUL KJELLANDER, PRESIDENT

  
MACK A. REDFORD, COMMISSIONER

  
MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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