

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF THE GEM STATE, INC.) CASE NO. CGS-T-16-01
DBA CENTURYLINK AND NEW CINGULAR)
WIRELESS PCS, LLC FOR APPROVAL OF)
AN INTERCONNECTION AGREEMENT)
PURSUANT TO 47 U.S.C. § 252(e).)**

**IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF IDAHO, INC. DBA) CASE NO. CEN-T-16-01
CENTURYLINK AND NEW CINGULAR)
WIRELESS PCS, LLC FOR APPROVAL OF)
AN INTERCONNECTION AGREEMENT) ORDER NO. 33548
PURSUANT TO 47 U.S.C. § 252(e).)**

In these cases, the Commission is asked to approve a newly negotiated Interconnection Agreement. With this Order the Commission approves the Applications.

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 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

On June 10, 2016, CenturyTel of Idaho, Inc. dba CenturyLink and CenturyTel of the Gem State, Inc. dba CenturyLink submitted Applications for approval of a Commercial Mobile

Radio Services Interconnection Agreement with New Cingular Wireless PCS, LLC. This agreement establishes terms and conditions for interconnection and intercarrier compensation.

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 Applications are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended Commission approval of the Applications.

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 Applications and the Staff's recommendation, the Commission finds that the Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the Applications should be approved. However, approval of the Applications does not negate the responsibility of any of the parties to the 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 of CenturyTel of the Gem State, Inc. and New Cingular Wireless PCS, LLC, Case No. CGS-T-16-01, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement of CenturyTel of Idaho, Inc. and New Cingular Wireless PCS, LLC, Case No. CEN-T-16-01, is approved.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in 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.*

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 30th day of June 2016.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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