

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF IDAHO, INC. FOR) CASE NO. CEN-T-07-01
APPROVAL OF AN AMENDMENT TO ITS)
INTERCONNECTION AGREEMENT WITH)
360NETWORKS (USA), INC. PURSUANT TO)
47 U.S.C. § 252(e))**

**IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF THE GEM STATE, INC.) CASE NO. CGS-T-07-02
FOR APPROVAL OF AN AMENDMENT TO)
ITS INTERCONNECTION AGREEMENT)
WITH 360NETWORKS (USA), INC.) ORDER NO. 30602
PURSUANT TO 47 U.S.C. § 252(e))**

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

1. CenturyTel of Idaho, Inc. and 360networks (USA) inc., Case No. CEN-T-07-01.
In this Application, the parties seek the Commission’s approval of an amendment to their existing Interconnection Agreement, approved by the Commission on November 16, 2007. The

parties mutually agreed to add “the Directory Services Agreement as Appendix D” to their Interconnection Agreement.

2. CenturyTel of the Gem State, Inc. and 360networks (USA) inc., Case No. CGS-T-07-02. In this Application, the parties seek the Commission’s approval of an amendment to their existing Interconnection Agreement, approved by the Commission on November 16, 2007. The parties mutually agreed to add “the Directory Services Agreement as Appendix D” to their Interconnection Agreement.

STAFF RECOMMENDATION

The Staff has 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 these amendments 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 foregoing agreements and amendments.

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). 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 the 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 these Agreements does not negate the responsibility of either of the parties 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.

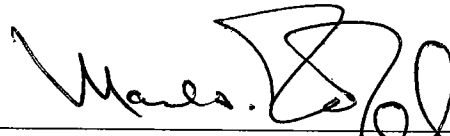
ORDER

IT IS HEREBY ORDERED that the Amendment to the Interconnection Agreement between CenturyTel of Idaho, Inc. and 360networks (USA) inc., Case No. CEN-T-07-01, is approved.

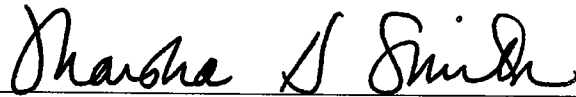
IT IS FURTHER ORDERED that the Amendment to the Interconnection Agreement between CenturyTel of the Gem State, Inc. and 360networks (USA) inc., Case No. CGS-T-07-02, is approved.

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 29th day of July 2008.



MACK A. REDFORD, PRESIDENT

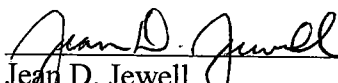


MARSHA H. SMITH, COMMISSIONER



JIM D. KEMPTON, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

O:CEN-T-07-01_CGS-T-07-02_np