

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF CENTURYTEL OF IDAHO, INC. DBA</b>	)	<b>CASE NO. CEN-T-10-01</b>
<b>CENTURYLINK FOR APPROVAL OF ITS</b>	)	
<b>INTERCONNECTION AGREEMENT WITH</b>	)	
<b>BULLSEYE TELECOM, INC. PURSUANT</b>	)	
<b>TO 47 U.S.C. § 252(e)</b>	)	
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<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF CENTURYTEL OF THE GEM STATE</b>	)	<b>CASE NO. CGS-T-10-01</b>
<b>DBA CENTURYLINK FOR APPROVAL OF</b>	)	
<b>ITS INTERCONNECTION AGREEMENT</b>	)	
<b>WITH BULLSEYE TELECOM, INC.</b>	)	<b>ORDER NO. 31095</b>
<b>PURSUANT TO 47 U.S.C. § 252(e)</b>	)	

In these cases, the Commission is asked to approve Interconnection Agreements between CenturyTel of Idaho, Inc. dba CenturyLink and BullsEye Telecom, Inc. and CenturyTel of the Gem State dba CenturyLink and BullsEye. With this Order, the Commission approves the Interconnection 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, Inc. dba CenturyLink and BullsEye Telecom, Inc., Case No. CEN-T-10-01. On May 5, 2010, CenturyLink and BullsEye filed an Interconnection Agreement with the Commission. The Agreement sets forth the terms, conditions and pricing under which CenturyLink will provide certain telecommunications services to BullsEye for the purpose of delivering such services to BullsEye's customers.

The Application states that CenturyLink is a "rural telephone company," as that term is defined in the Act, 47 U.S.C. § 153. CenturyLink goes on to state that, pursuant to Section 251(f)(1) of the Act, it is exempt from Section 251(c) of the Act. Notwithstanding that exemption, the companies have agreed and entered into this Agreement for purposes of exchanging local traffic. The Company also states that "execution of the Agreement does not in any way constitute a waiver or limitation of CenturyLink's rights under Section 251(f)(1) or 251(f)(2) of the Act." The Company "expressly reserves the right to assert its right to an exemption or waiver and modification of Section 251(c) of the Act, in response to other requests for interconnection by CLEC or any other carriers."

2. CenturyTel of the Gem State dba CenturyLink and BullsEye Telecom, Inc., Case No. CGS-T-10-01. On May 5, 2010, CenturyLink-Gem State and BullsEye filed an Interconnection Agreement with the Commission. The Agreement sets forth the terms, conditions and pricing under which CenturyLink-Gem State will provide certain telecommunications services to BullsEye for the purpose of delivering such services to BullsEye's customers.

The Application states that CenturyLink-Gem State is a "rural telephone company," as that term is defined in the Act, 47 U.S.C. § 153. CenturyLink-Gem State goes on to state that, pursuant to Section 251(f)(1) of the Act, it is exempt from Section 251(c) of the Act. Notwithstanding that exemption, the companies have agreed and entered into this Agreement for purposes of exchanging local traffic. The Company also states that "execution of the Agreement does not in any way constitute a waiver or limitation of CenturyLink's rights under Section 251(f)(1) or 251(f)(2) of the Act." The Company "expressly reserves the right to assert its right to an exemption or waiver and modification of Section 251(c) of the Act, in response to other requests for interconnection by CLEC or any other carriers."

### 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 Interconnection Agreements between CenturyLink and BullsEye and CenturyLink-Gem State and BullsEye.

### 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 Interconnection Agreement between CenturyTel of Idaho, Inc. dba CenturyLink and BullsEye Telecom, Inc., Case No. CEN-T-10-01, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of the Gem State dba CenturyLink and BullsEye Telecom, Inc., Case No. CGS-T-10-01, 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 28<sup>th</sup> day of May 2010.

  
JIM D. KEMPTON, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
MACK A. REDFORD, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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