

# BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	
<b>CENTURYTEL OF IDAHO, INC. DBA</b>	)	<b>CASE NO. CEN-T-10-01</b>
<b>CENTURYLINK FOR APPROVAL OF</b>	)	
<b>AMENDMENTS TO ITS INTERCONNECTION</b>	)	
<b>AGREEMENT WITH BULLSEYE TELECOM,</b>	)	
<b>INC. PURSUANT TO 47 U.S.C. § 252(e)</b>	)	
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<b>IN THE MATTER OF THE APPLICATION OF</b>	)	
<b>CENTURYTEL OF THE GEM STATE, INC.</b>	)	<b>CASE NO. CGS-T-10-01</b>
<b>DBA CENTURYLINK FOR APPROVAL OF</b>	)	
<b>AMENDMENTS TO ITS INTERCONNECTION</b>	)	
<b>AGREEMENT WITH BULLSEYE TELECOM,</b>	)	<b>ORDER NO. 32435</b>
<b>INC. PURSUANT TO 47 U.S.C. § 252(e)</b>	)	

In these cases, the Commission is asked to approve amendments to the Interconnection Agreements between CenturyTel of Idaho, Inc. dba CenturyLink and Bullseye Telecom, Inc.; and CenturyTel of the Gem State, Inc. dba CenturyLink and Bullseye Telecom, Inc. With this Order, the Commission approves the amendments to the parties' Interconnection 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 APPLICATION

1. CenturyTel of Idaho, Inc. dba CenturyLink and Bullseye Telecom, Inc., Case No. CEN-T-10-01. On December 20, 2011, CenturyLink filed an Application seeking Commission approval of Amendments to its Interconnection Agreement with Bullseye. The parties have agreed through voluntary negotiation to amend their Agreement to reflect that CenturyLink no longer represents and warrants that it is a "Rural Telephone Company," as that term is defined in the Act, 47 U.S.C. § 153. The proposed amendments also include terms and conditions for local service resale and ancillary services.

2. CenturyTel of the Gem State, Inc. dba CenturyLink and Bullseye Telecom, Inc., Case No. CGS-T-10-01. On December 20, 2011, CenturyLink-Gem State filed an Application seeking Commission approval of Amendments to its Interconnection Agreement with Bullseye. The parties have agreed through voluntary negotiation to amend their Agreement to reflect that CenturyLink-Gem State no longer represents and warrants that it is a "Rural Telephone Company," as that term is defined in the Act, 47 U.S.C. § 153. The proposed amendments also include terms and conditions for local service resale and ancillary services.

## 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 Amendments to the Interconnection 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 Amendments to the Interconnection Agreements between CenturyLink and Bullseye, and CenturyLink-Gem State and Bullseye.

## 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). 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 the Staff's recommendation, the Commission finds that the Amendments to the Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Amendments to 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**

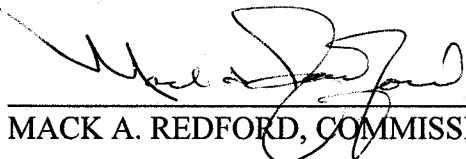
IT IS HEREBY ORDERED that the Amendments to the Interconnection Agreement between CenturyTel of Idaho, Inc. dba CenturyLink and Bullseye Telecom, Inc., Case No. CEN-T-10-01, are approved.

IT IS FURTHER ORDERED that the Amendments to the Interconnection Agreement between CenturyTel of the Gem State, Inc. dba CenturyLink and Bullseye Telecom, Inc., Case No. CGS-T-10-01, are 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.

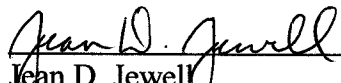
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12<sup>th</sup>  
day of January 2012.

  
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PAUL KJELLANDER, PRESIDENT

  
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MACK A. REDFORD, COMMISSIONER

  
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MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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