

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION	)	
OF CENTURYTEL OF THE GEM STATE,	)	CASE NO. CGS-T-14-03
INC. DBA CENTURYLINK FOR APPROVAL	)	
OF ITS INTERCONNECTION AGREEMENT	)	
WITH NEW HORIZON COMMUNICATIONS	)	
CORP. PURSUANT TO 47 U.S.C. § 252(e)	)	
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IN THE MATTER OF THE APPLICATION	)	
OF CENTURYTEL OF IDAHO, INC. DBA	)	CASE NO. CEN-T-14-03
CENTURYLINK FOR APPROVAL OF ITS	)	
INTERCONNECTION AGREEMENT WITH	)	
NEW HORIZON COMMUNICATIONS	)	ORDER NO. 33100
CORP. PURSUANT TO 47 U.S.C. § 252(e)	)	
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In these cases, the Commission is asked to approve new negotiated Interconnection Agreements. With this Order, the Commission approves the 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 the Gem State, Inc. dba CenturyLink and New Horizon Communications Corp., Case No. CGS-T-14-03. On August 4, 2014, CenturyTel of the Gem

State submitted an Application for approval of its Interconnection Agreement with NHC. This Agreement establishes terms and conditions for interconnection, transport and termination of traffic, access to unbundled network elements, collocation, resale, and pricing.

2. CenturyTel of Idaho, Inc. dba CenturyLink and New Horizon Communications Corp., Case No. CEN-T-14-03. On August 4, 2014, CenturyTel of Idaho submitted an Application for approval of its Interconnection Agreement with NHC. This Agreement establishes terms and conditions for interconnection, transport and termination of traffic, access to unbundled network elements, collocation, resale, and pricing.

#### **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 the Commission approve the Interconnection Agreements.

#### **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 Interconnection 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 the Gem State, Inc. dba CenturyLink and New Horizon Communications Corp., Case No. CGS-T-14-03, is approved.

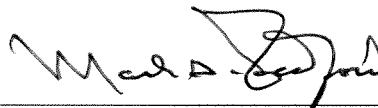
IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of Idaho, Inc. dba CenturyLink, and New Horizon Communications Corp., Case No. CEN-T-14-03, is approved.

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 19<sup>th</sup> day of August 2014.



PAUL KJELLANDER, PRESIDENT



MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell  
Commission Secretary

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