

**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-16-03</b>
<b>CENTURLINK AND DISHNET WIRELINE,</b>	)	
<b>LLC FOR APPROVAL OF AN</b>	)	
<b>INTERCONNECTION AGREEMENT</b>	)	
<b>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-16-03</b>
<b>DBA CENTURLINK AND DISHNET</b>	)	
<b>WIRELINE, LLC FOR APPROVAL OF AN</b>	)	
<b>INTERCONNECTION AGREEMENT</b>	)	<b>ORDER NO. 33609</b>
<b>PURSUANT TO 47 U.S.C. § 252(e).</b>	)	

On September 19, 2016, CenturyTel of Idaho dba CenturyLink, CenturyTel of the Gem State dba CenturyLink, and dishNet Wireline, LLC applied to the Commission for an Order approving their Resale Agreements. With this Order, the Commission approves the Resale Agreements.

**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

The Applicants ask the Commission to approve the Resale Agreements. The Agreements were agreed upon through voluntary negotiations and establish terms and conditions, ancillary services, and pricing for resale of local telecommunications services.

## STAFF RECOMMENDATION

Staff reviewed the Applications and Resale Agreements and believes their terms and conditions are not discriminatory or contrary to the public interest. Staff also believes the Applications and Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff recommended that the Commission approve 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 Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Applications should be approved. Our approval of the Applications does not negate the parties' responsibility to obtain a Certificate of Public Convenience and Necessity if they offer local exchange services, or to comply with *Idaho Code* §§ 62-604 and 62-606 if they provide other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

## ORDER


IT IS HEREBY ORDERED that the Resale Agreement of CenturyTel of Idaho, Inc. and dishNet Wireline, LLC, Case No. CEN-T-16-03, is approved.

IT IS FURTHER ORDERED that the Resale Agreement of CenturyTel of the Gem State, Inc. and dishNet Wireline, LLC, Case No. CGS-T-16-03, 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.*

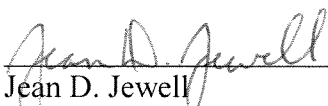
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 28<sup>TH</sup> day of September 2016.

  
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PAUL KJELLANDER, PRESIDENT

  
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KRISTINE RAPER, COMMISSIONER

  
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ERIC ANDERSON, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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