

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION DBA) **CASE NO. QWE-T-13-04**
 CENTURYLINK QC FOR APPROVAL OF)
 ITS INTERCONNECTION AGREEMENT)
 WITH 365 WIRELESS, LLC PURSUANT TO)
 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF CENTURYTEL OF IDAHO, INC. DBA) **CASE NO. CEN-T-13-04**
 CENTURYLINK FOR APPROVAL OF ITS)
 INTERCONNECTION AGREEMENT WITH)
 SPECTROTEL, INC. PURSUANT TO 47)
 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF CENTURYTEL OF THE GEM STATE,) **CASE NO. CGS-T-13-04**
 INC. DBA CENTURYLINK FOR APPROVAL)
 OF ITS INTERCONNECTION AGREEMENT)
 WITH SPECTROTEL, INC. PURSUANT TO)
 47 U.S.C. § 252(e))

IN THE MATTER OF THE APPLICATION)
 OF CITIZENS TELECOMMUNICATIONS) **CASE NO. CTC-T-13-02**
 COMPANY OF IDAHO FOR APPROVAL OF)
 ITS INTERCONNECTION AGREEMENT)
 WITH METROPOLITAN)
 TELECOMMUNICATIONS OF IDAHO, INC.)
 DBA MET TEL PURSUANT TO 47 U.S.C. §)
 252(e))

IN THE MATTER OF THE APPLICATION)
 OF FRONTIER COMMUNICATIONS) **CASE NO. VZN-T-13-02**
 NORTHWEST INC. FOR APPROVAL OF ITS)
 INTERCONNECTION AGREEMENT WITH)
 TIME WARNER CABLE INFORMATION) **ORDER NO. 32856**
 SERVICES (IDAHO), LLC DBA TIME)
 WARNER PURSUANT TO 47 U.S.C. § 252(e))

In these cases, the Commission is asked to approve newly 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 APPLICATIONS

1. Qwest Corporation dba CenturyLink QC and 365 Wireless, LLC, Case No. QWE-T-13-04. On June 24, 2013, CenturyLink submitted an Application for approval of its Interconnection Agreement with 365 Wireless. In this Application, the parties request that the Commission approve the terms and conditions for interconnection, unbundled network elements, ancillary services, and resale of telecommunications services.

2. CenturyTel of Idaho, Inc. dba CenturyLink and Spectrotel, Inc., Case No. CEN-T-13-04. On June 17, 2013, this Commission received an Application from CenturyLink requesting Commission approval for the Interconnection Agreement with Spectrotel.

3. CenturyTel of the Gem State, Inc. dba CenturyLink and Spectrotel, Inc., Case No. CGS-T-13-04. On June 17, 2013, this Commission received an Application from CenturyLink requesting Commission approval for the Interconnection Agreement with Spectrotel.

4. Citizens Telecommunications Company of Idaho and Metropolitan Telecommunications of Idaho, Inc. dba MetTel, Case No. CTC-T-13-02. On July 9, 2013, this Commission received an Application from Citizens requesting approval of its Interconnection Agreement with MetTel. The parties’ Agreement sets out rates, terms and conditions for interconnection between the companies.

5. Frontier Communications Northwest Inc. and Time Warner Cable Information Services (Idaho) LLC dba Time Warner, Case No. VZN-T-13-02. On June 24, 2013, Frontier filed its Interconnection Agreement with Amendment Number 1 attached. This agreement is between Frontier and Time Warner Cable. The original Agreement sets out rates, terms and conditions between the companies. Amendment Number 1 is an FCC compliance filing. Effective November 18, 2011, the Federal Communications Commission released its USF/ICC Transformation Order. *See* FCC 11-161.

In the order, the FCC determined that the default intercarrier compensation methodology for all non-access telecommunications traffic exchanged between carriers and competitive Local Exchange Carriers will transition to bill and keep over the next six years. The FCC ordered that the companies begin the transition process on July 1, 2012.

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 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 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 the Staff's recommendation, the Commission finds that the Interconnection 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 Qwest Corporation dba CenturyLink QC and 365 Wireless, LLC, Case No. QWE-T-13-04, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of Idaho, Inc. dba CenturyLink and Spectrotel, Inc., Case No. CEN-T-13-04, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of the Gem State, Inc. dba CenturyLink and Spectrotel, Inc., Case No. CGS-T-13-04, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Citizens Telecommunications Company of Idaho and Metropolitan Telecommunications of Idaho, Inc. dba MetTel, Case No. CTC-T-13-02, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Frontier Communications Northwest Inc. and Time Warner Cable Information Services (Idaho), LLC dba Time Warner, Case No. VZN-T-13-02, 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 18th
day of July 2013.



PAUL KJELLANDER, PRESIDENT



MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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