

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
 OF CENTURYTEL OF IDAHO, INC. AND) CASE NOS. CEN-T-12-03
 CENTURYTEL OF THE GEM STATE DBA) CGS-T-12-03
 CENTURYLINK FOR APPROVAL OF)
 THEIR INTERCONNECTION AGREEMENT)
 WITH CUSTER TELEPHONE BROADBAND)
 SERVICES, LLC PURSUANT TO 47 U.S.C. §)
 252(e))

IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION, DBA) CASE NO. QWE-T-11-12
 CENTURYLINK, FOR APPROVAL OF)
 AMENDMENTS TO ITS)
 INTERCONNECTION AGREEMENT WITH)
 LXI-CLEC, LLC, PURSUANT TO 47 U.S.C. §)
 252(e))

IN THE MATTER OF THE APPLICATION)
 OF TDS TELECOMMUNICATIONS) CASE NO. POT-T-05-01
 CORPORATION FOR APPROVAL OF)
 AMENDMENTS TO ITS)
 INTERCONNECTION AGREEMENT WITH)
 AT&T MOBILITY, PURSUANT TO 47 U.S.C.) ORDER NO. 32567
 § 252(e))

In this case the Commission is asked to approve an Interconnection Agreement and amendments to Interconnection Agreements. With this Order, the Commission approves the amendments and Interconnection Agreement.

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./CenturyTel of the Gem State dba CenturyLink and Custer Telephone Broadband Services, LLC, Case Nos. CEN-T-12-03 and CGS-T-12-03. On May 16, 2012, CenturyLink submitted an Application seeking approval of its Interconnection Agreement with Custer. In the Application, the parties request that the Commission approve terms, conditions, pricing for interconnection, resale and unbundled services.

2. Qwest Corporation dba CenturyLink and LXI-CLEC, LLC, Case No. QWE-T-11-12. On April 26, 2012, CenturyLink submitted an Application seeking the Commission’s approval of amendments to the parties’ Interconnection Agreement, previously approved by the Commission on November 9, 2011. *See* Order No. 32398. The parties request that the Commission approve amendments to their existing Agreement that include terms, conditions and intercarrier compensation for the exchange of local and toll VoIP-PSTN traffic.

3. TDS Telecommunications Corporation (an agent for Potlatch Telephone Company) and New Cingular Wireless PCS, LLC (and its Commercial Mobile Radio Services (CMRS) operating affiliates, operating as AT&T Mobility), Case No. POT-T-05-01. On May 29, 2012, TDS submitted an Application seeking the Commission’s approval of Amendments to the parties’ Interconnection Agreement, previously approved by the Commission on October 27, 2005. *See* Order No. 29901.

TDS’s filing was precipitated by the recent order released by the Federal Communications Commission (FCC), issued on November 18, 2011 and later modified on reconsideration on December 23, 2011, enacting new rules for Intercarrier Compensation for Wireless Traffic (*USF/ICC Transformation Order*). As a result, intercarrier compensation for non-access traffic exchanged between parties will be subject to a default bill-and-keep methodology for traffic exchanged on or after July 1, 2012.

STAFF RECOMMENDATION

Staff reviewed the foregoing Applications and did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Interconnection Agreement and 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 Interconnection Agreement and amendments.

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 recommendations, the Commission finds that the Interconnection Agreement and amendments are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Agreements, reviewed by Staff and more fully described above, 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./CenturyTel of the Gem State dba CenturyLink and Custer Telephone Broadband Services, LLC, Case Nos. CEN-T-12-03 and CGS-T-12-03, is approved

IT IS FURTHER ORDERED that the amendments to the Interconnection Agreement between Qwest Corporation dba CenturyLink and LXI-CLEC, LLC, Case No. QWE-T-11-12, are approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between TDS Telecommunications Corporation (an agent for Potlatch Telephone Company) and New Cingular

Wireless PCS, LLC (and its commercial mobile radio services (CMRS) operating affiliates, operating as AT&T Mobility), Case No. POT-T-05-01, 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.

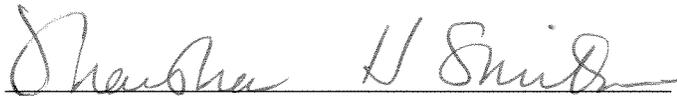
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 7th day of June 2012.



PAUL KJELLANDER, PRESIDENT



MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:CEN-T-12-03_CGS-T-12-03_QWE-T-11-12_POT-T-05-01_np