

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF CENTURYTEL OF IDAHO, INC. DBA ) CASE NO. CEN-T-10-04  
CENTURLINK FOR APPROVAL OF ITS )  
INTERCONNECTION AGREEMENT WITH )  
ELTOPIA COMMUNICATIONS, LLC )  
PURSUANT TO 47 U.S.C. § 252(e) )**

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**IN THE MATTER OF THE APPLICATION )  
OF CENTURYTEL OF THE GEM STATE, ) CASE NO. CGS-T-10-03  
INC. DBA CENTURLINK FOR )  
APPROVAL OF ITS INTERCONNECTION )  
AGREEMENT WITH ELTOPIA )  
COMMUNICATIONS, LLC PURSUANT TO )  
47 U.S.C. § 252(e) )**

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**IN THE MATTER OF THE APPLICATION )  
OF CITIZENS TELECOMMUNICATIONS ) CASE NO. CTC-T-10-02  
COMPANY OF IDAHO FOR APPROVAL OF )  
ITS INTERCONNECTION AGREEMENT )  
WITH ALLIED WIRELESS )  
COMMUNICATIONS CORPORATION )  
PURSUANT TO 47 U.S.C. § 252(e) )**

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**IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION FOR ) CASE NO. QWE-T-10-06  
APPROVAL OF ITS INTERCONNECTION )  
AGREEMENT WITH LIBERTY-BELL )  
TELECOM, LLC PURSUANT TO 47 U.S.C. § ) ORDER NO. 32097  
252(e) )**

In this case the Commission is asked to approve separate Interconnection Agreements negotiated by CenturyTel of Idaho, Inc. dba CenturyLink and CenturyTel of the Gem State, Inc. dba CenturyLink (collectively "CenturyLink") with Eltopia Communications, LLC ("Eltopia"); an Interconnection Agreement between Citizens Telecommunications Company of Idaho ("CTC") and Allied Wireless Communications Corporation ("Allied"); and an Interconnection Agreement between Qwest Corporation ("Qwest") and Liberty-Bell Telecom, LLC ("Liberty-Bell"). With this Order, the Commission approves the parties' Interconnection Agreements.

## 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: (1) the agreement 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. CenturyLink and Eltopia, Case No. CEN-T-10-04. On September 14, 2010, CenturyLink submitted dual Applications for an Interconnection and Exchange of Traffic Agreement with Eltopia. In these Applications, the parties request that the Commission approve the Agreements that include terms, conditions and pricing for interconnection, transport and termination of traffic between the companies.

2. CenturyLink and Eltopia, Case No. CGS-T-10-03. On September 14, 2010, CenturyLink submitted dual Applications for an Interconnection and Exchange of Traffic Agreement with Eltopia. In these Applications, the parties request that the Commission approve the Agreements that include terms, conditions and pricing for interconnection, transport and termination of traffic between the companies.

3. CTC and Allied, Case No. CTC-T-10-02. On September 24, 2010, CTC submitted an Application for a Cellular and 2-Way Mobile Radio Services Traffic Agreement with Allied. In this Application, the parties request that the Commission approve an Agreement that includes terms and conditions for the transport and termination of mobile radio service traffic in the state of Idaho.

4. Qwest and Liberty-Bell, Case No. QWE-T-10-06. On September 20, 2010, Qwest submitted an Application for approval of its Interconnection Agreement with Liberty-

Bell. In this Application, the parties request that the Commission approve an Agreement that includes terms and conditions for interconnection, unbundled network elements, ancillary services and the resale of telecommunications services within the geographical area where Qwest is the incumbent local exchange carrier ("ILEC") and is currently providing local exchange service.

### **STAFF RECOMMENDATION**

Staff reviewed the foregoing 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 recommends that the Commission approve the foregoing 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 recommendations, 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 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. dba CenturyLink, and Eltopia Communications, LLC, Case No. CEN-T-10-04, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of the Gem State, Inc. dba CenturyLink, and Eltopia Communications, LLC, Case No. CGS-T-10-02, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between Citizens Telecommunications Company of Idaho and Allied Wireless Communications Corporation, Case No. CTC-T-10-02, is approved.

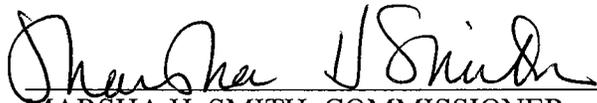
IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation and Liberty-Bell Telecom, LLC, Case No. QWE-T-10-06, is approved.

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 20<sup>th</sup> day of October 2010.



JIM D. KEMPTON, PRESIDENT



MARSHA H. SMITH, COMMISSIONER



MACK A. REDFORD, COMMISSIONER

ATTEST:



Jean D. Jewell  
Commission Secretary

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