

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF CUSTER TELEPHONE COOPERATIVE,)	CASE NO. CUS-T-09-02
INC. FOR APPROVAL OF AN AMENDMENT)	
TO ITS INTERCONNECTION AGREEMENT)	
WITH ALLTEL COMMUNICATIONS, LLC)	
AND ID HOLDING, LLC PURSUANT TO 47)	
U.S.C. § 252(e))	
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IN THE MATTER OF THE APPLICATION)	
OF QWEST CORPORATION DBA)	CASE NO. QWE-T-14-01
CENTURYLINK QC FOR APPROVAL OF)	
ITS INTERCONNECTION AGREEMENT)	
WITH BCN TELECOM, INC. PURSUANT TO)	ORDER NO. 33013
47 U.S.C. § 252(e))	

In these cases, the Commission is asked to approve an amendment to the Interconnection Agreement between Custer Telephone Cooperative, Inc. and Alltel Communications, LLC and ID Holding, LLC; and the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and BCN Telecom, Inc. With this Order, the Commission approves the amendment and Interconnection Agreement.

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. Custer Telephone Cooperative, Inc. and Alltel Communications, LLC and ID Holding, LLC, Case No. CUS-T-09-02. On March 12, 2014, Custer submitted an Application for approval of an amendment to the negotiated Agreement with Alltel, initially approved by the Commission on September 3, 2009. *See* Order No. 30895. In the Application, Custer states that New Cingular Wireless PCS, LLC dba AT&T Mobility is the successor in interest to Alltel under the Agreement.

Therefore, the parties request Commission approval to amend the Agreement to substitute Alltel with AT&T Mobility and to provide for bill-and-keep compensation for intra-MTA traffic between the parties.

2. Qwest Corporation dba CenturyLink QC and BCN Telecom, Inc., Case No. QWE-T-14-01. On March 21, 2014, CenturyLink and BCN filed their joint Application for an Interconnection Agreement. In the Application, the parties state that this joint filing contains rates, terms and conditions for interconnecting their networks.

According to the parties, the terms of the Interconnection Agreement were reached through voluntary negotiation without resort to mediation. This filing also includes Exhibit B (Service Performance Indicators) and Exhibit K (Performance Assurance Plan) as required by this Commission.

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 amendment and Interconnection Agreement 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 amendment and Interconnection Agreement.

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 amendment and Interconnection Agreement are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendment and Interconnection Agreement 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 amendment to the Interconnection Agreement between Custer Telephone Cooperative, Inc. and Alltel Communications, LLC and ID Holding, LLC, Case No. CUS-T-09-02, is approved.

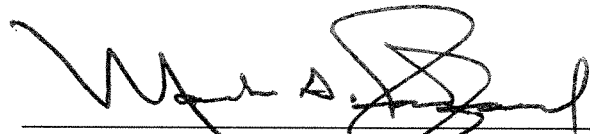
IT IS FURTHER ORDERED that the Interconnection Agreement between Qwest Corporation dba CenturyLink QC and BCN Telecom, Inc., Case No. QWE-T-14-01, is approved.

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.

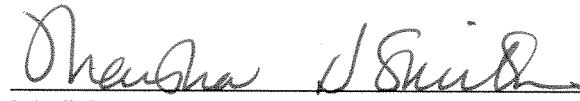
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this ^{4th}
day of April 2014.



PAUL KJELLANDER, PRESIDENT

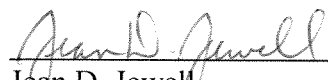


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:CUS-T-09-02_QWE-T-14-01_np