

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF CENTURYTEL OF THE GEM STATE,) CASE NO. CGS-T-17-03
INC. dba CENTURYLINK FOR APPROVAL)
OF THE INTERCONNECTION)
AGREEMENT WITH NATIVE NETWORK,)
INC. FOR THE STATE OF IDAHO)
PURSUANT TO 47 U.S.C. §252(e).)**

**IN THE MATTER OF THE APPLICATION) CASE NO. CEN-T-17-03
OF CENTURYTEL OF IDAHO, INC. dba)
CENTURYLINK FOR APPROVAL OF THE)
INTERCONNECTION AGREEMENT WITH) ORDER NO. 33974
NATIVE NETWORK, INC. FOR THE STATE)
OF IDAHO PURSUANT TO 47 U.S.C. §252(e).)**

On December 21, 2017, CenturyTel of the Gem State, Inc. dba CenturyLink and CenturyTel of Idaho, Inc. dba CenturyLink (individually and collectively, “CenturyLink”) and Native Network, Inc. applied to the Commission for an Order approving an Interconnection Agreement (Agreement). With this Order, the Commission approves their Agreement.

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 regulation 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

The Application stated that the Agreement was reached through voluntary negotiation without resort to mediation or arbitration and was submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. The Agreement sets out specific rates, terms, and conditions for local interconnection, collocation, local resale, and purchase of Unbundled Network Elements (UNE).

STAFF RECOMMENDATION

Staff reviewed the Application and Agreement and believes the terms and conditions are not discriminatory or contrary to the public interest. Staff also believes the Agreement is 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 Application.

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 Application and the Staff's recommendation, the Commission finds that the Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the Application should be approved. Our approval of the Application does not negate either party's 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 Agreement of CenturyTel of the Gem State, Inc. dba CenturyLink and CenturyTel of Idaho, Inc. dba CenturyLink with Native Network, Inc. for the State of Idaho, Case Nos. CEN-T-17-03 and CGS-T-17-03, 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 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 25th day of January 2018.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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