

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF CENTURYTEL OF THE GEM STATE,) CASE NO. CGS-T-07-02
INC. FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT WITH)
360NETWORKS (USA) INC. PURSUANT TO)
47 U.S.C. § 252(e))**

**IN THE MATTER OF THE APPLICATION)
OF CENTURYTEL OF IDAHO, INC. FOR) CASE NO. CEN-T-07-01
APPROVAL OF AN INTERCONNECTION)
AGREEMENT WITH 360NETWORKS (USA))
INC. PURSUANT TO 47 U.S.C. § 252(e))**

**IN THE MATTER OF THE APPLICATION)
OF ALBION TELEPHONE COMPANY, INC.) CASE NO. ALB-T-07-04
FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT WITH)
VERIZON WIRELESS PURSUANT TO 47) ORDER NO. 30463
U.S.C. § 252(e))**

In these cases the Commission is asked to approve Interconnection Agreements between the parties listed above. With this Order, the Commission approves these 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 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 CURRENT APPLICATIONS

1. CenturyTel of the Gem State, Inc. and 360networks (USA) Inc., Case No. CGS-T-07-02. In this Application, the parties seek the Commission's approval of their interconnection agreement. CenturyTel agreed to allow 360 to utilize its facilities for the purpose of providing telecommunications services. CenturyTel states that it qualifies as a "rural telephone company" as that term is defined in the federal Telecommunications Act of 1996. 47 U.S.C. § 153 (37). While the Companies agreed to exchange local traffic, the parties also agreed that the execution of their agreement would not "constitute a waiver or limitation of CenturyTel's rights under Section 251(f)(1) or 251(f)(2) of the Act" and that CenturyTel "expressly reserves the right to assert its right to an exemption or waiver and modification of Section 251(c) of the Act, in response to other requests for interconnection by CLEC or any other carrier." *Application, Traffic Exchange Agreement, Article I.*

2. CenturyTel of Idaho, Inc. and 360networks (USA) Inc., Case No. CEN-T-07-01. In this Application, the parties seek the Commission's approval of their interconnection agreement. CenturyTel agreed to allow 360 to utilize its facilities for the purpose of providing telecommunications services. CenturyTel states that it qualifies as a "rural telephone company" as that term is defined in the federal Telecommunications Act of 1996. 47 U.S.C. § 153 (37). While the Companies agreed to exchange local traffic, the parties also agreed that the execution of their agreement would not "constitute a waiver or limitation of CenturyTel's rights under Section 251(f)(1) or 251(f)(2) of the Act" and that CenturyTel "expressly reserves the right to assert its right to an exemption or waiver and modification of Section 251(c) of the Act, in response to other requests for interconnection by CLEC or any other carrier." *Application, Traffic Exchange Agreement, Article I.*

3. Albion Telephone Company, Inc. and Verizon Wireless, Case No. ALB-T-07-04. In this Application, the parties seek the Commission's approval of their "Negotiated Agreement." Albion maintains that by entering into the agreement with Verizon it is not waiving its status as a "rural telephone company" or its right to an exemption under 47 U.S.C. § 251(f) of the federal Telecommunications Act of 1996. The agreement outlines certain rates, terms and conditions pertaining to reciprocal compensation between the parties for the transport and termination of telecommunications traffic on each carrier's network facilities.

STAFF RECOMMENDATION

The Staff has reviewed the Applications and does not endorse any claims made by the various parties regarding their status as a "rural telephone company," as that term is defined under the federal Telecommunications Act of 1996. Staff believes that such a determination should not be made in the context of an application for approval of an interconnection agreement.

Nevertheless, Staff did not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that these 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 aforementioned applications for 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). The Commission's review is limited, however. 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 agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the agreements should be approved. Approval of these agreements does not negate the responsibility of either of the parties 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

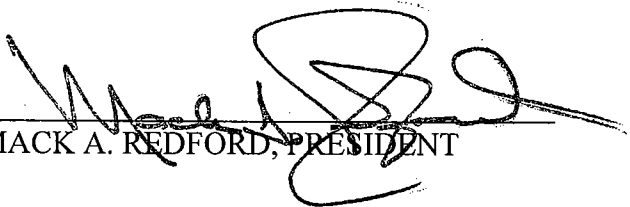
IT IS HEREBY ORDERED that the interconnection agreement between CenturyTel of the Gem State, Inc. and 360networks (USA) Inc., Case No. CGS-T-07-02, is approved.

IT IS FURTHER ORDERED that the interconnection agreement between CenturyTel of Idaho, Inc. and 360networks (USA) Inc., Case No. CEN-T-07-01, is approved.

IT IS FURTHER ORDERED that the interconnection agreement of Albion Telephone Company, Inc. and Verizon Wireless, Case No. ALB-T-07-04, 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.

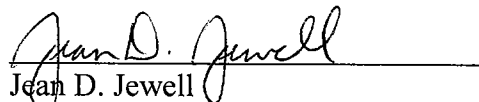
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 16th day of November 2007.


MACK A. REDFORD, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


JIM KEMPTON, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

O:CGS-T-07-02_CEN-T-07-01_ALB-T-07-04_np