

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION            )   CASE NO. ALB-T-24-02**  
**FOR APPROVAL OF THE                            )**  
**INTERCONNECTION AGREEMENT                )**  
**BETWEEN LEVEL 3 COMMUNICATIONS,        )   ORDER NO. 36384**  
**LLC (“LUMEN”) AND ALBION                    )**  
**TELEPHONE CO. DBA ATC                      )**  
**COMMUNICATIONS                                )**  
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On September 5, 2024, Level 3 Communications, LLC (“Lumen”) submitted an application (“Application”) to the Commission seeking Commission approval of the Interconnection Agreement by and between Lumen and Albion Telephone Co. dba ATC Communications (“ATC Communications”), for the State of Idaho (“Agreement”). The Agreement establishes terms, conditions, and pricing for the local interconnection and the exchange of local traffic for the State of Idaho.

**BACKGROUND**

The federal Telecommunications Act of 1996 (“Act”) permits incumbent local exchange carriers to voluntarily negotiate with a requesting telecommunications carrier for interconnection, services, or network support. 47 U.S.C. § 252(a)(1). Under the Act, interconnection agreements, including any amendments to them, must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject a voluntarily negotiated agreement only if it finds that: (1) the agreement discriminates against a telecommunications carrier not a party to the agreement; or (2) implementing the agreement is inconsistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). Companies voluntarily entering into interconnection agreements “may negotiate terms, prices and conditions that do not comply with either the [Federal Communications Commission] rules or with the provisions of Section 251(b) or (c).” Order No. 28427 at 11. This comports with the Federal Communications Commission’s rule 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**

Lumen stated that the Agreement “was reached through voluntary negotiations without resort to mediation or arbitration and is submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.” Application at 1.

## **STAFF RECOMMENDATION**

Commission Staff (“Staff”) reviewed the Application. Staff believed the Agreement is consistent with the pro-competitive policies of this Commission, Title 62 of the Idaho Code, and the Act. Accordingly, Staff recommended the Commission approve the Application as filed.

## **COMMISSION FINDINGS AND DECISION**

Under the Act, resale 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 the Commission finds that the agreement would discriminate against nonparty telecommunications carriers or that implementing it would be inconsistent with the public interest, convenience, and necessity. *Id.*

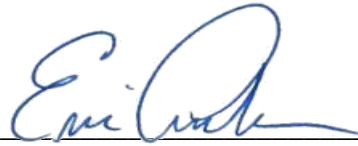
Based upon our review of the Application and Staff’s recommendation, the Commission finds the Agreement does not discriminate against nonparty telecommunications carriers, and that implementing it would be consistent with the public interest, convenience, and necessity. Therefore, the Commission finds it reasonable to grant the Application and approve the Agreement. Our approval of the Agreement 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**

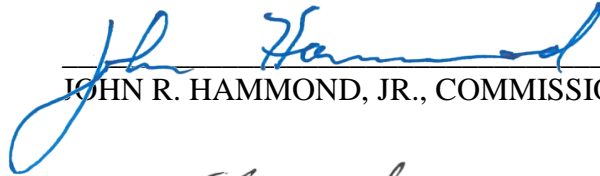
IT IS HEREBY ORDERED that the Application is granted, and the Agreement is approved.

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. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4<sup>th</sup> day of November 2024.



ERIC ANDERSON, PRESIDENT

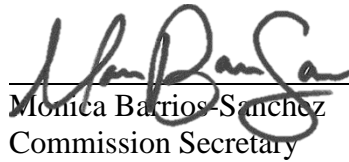


JOHN R. HAMMOND, JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



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Monica Barrios-Sanchez  
Commission Secretary

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