

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF IDAHO, INC. DBA) CASE NO. CEN-T-21-01
CENTURYLINK FOR APPROVAL OF AN)
AMENDMENT TO INTERCONNECTION)
AGREEMENT WITH SPECTROTEL, INC.)
PURSUANT TO 47 U.S.C. § 252(e).)**

**IN THE MATTER OF THE APPLICATION OF)
CENTURYTEL OF THE GEM STATE, INC.) CASE NO. CGS-T-21-01
DBA CENTURYLINK FOR APPROVAL OF AN)
AMENDMENT TO INTERCONNECTION)
AGREEMENT WITH SPECTROTEL, INC.) ORDER NO. 34983
PURSUANT TO 47 U.S.C. § 252(e).)**

On February 5, 2021, CenturyTel of Idaho dba CenturyLink and CenturyTel of the Gem State dba CenturyLink (individually and collectively “CenturyLink”) applied to the Commission for an Order approving a Resale Forbearance Amendment to their Resale Agreement with Spectrotel, Inc. (“Spectrotel”). With this Order, the Commission approves the amended Resale Agreements.

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 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

The Applicants ask the Commission to approve the amended Resale Agreements. The Commission approved the initial Resale Agreements on July 18, 2013. Order No. 32856. The Resale Forbearance Amendment to the Resale Agreement was reached through voluntary negotiations 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. Application at 1.

STAFF RECOMMENDATION

Staff reviewed the Applications and amended Resale Agreements and believes their terms and conditions are not discriminatory or contrary to the public interest. Staff also believes the Applications and amended Resale Agreements are 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 Applications.

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 Applications and the Staff's recommendation, the Commission finds that the amendments are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the amendments should be approved. Approval of these Applications does not negate the parties' 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 amended Resale Agreement of CenturyTel of the Gem State, Inc. and Spectrotel, Inc., Case No. CGS-T-21-01, is approved.

IT IS FURTHER ORDERED that the amended Resale Agreement of CenturyTel of Idaho, Inc. and Spectrotel, Inc., Case No. CEN-T-21-01, 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 6th day of April 2021.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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