

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF CENTURYTEL OF IDAHO, INC. DBA CENTURLINK'S APPLICATION FOR APPROVAL OF AN INTERCONNECTION AGREEMENT WITH DISH WIRELESS L.L.C. FOR THE STATE OF IDAHO PURSUANT TO 47 U.S.C. § 252(e))
) **CASE NO. CEN-T-22-02**
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IN THE MATTER OF CENTURYTEL OF THE GEM STATE, INC. DBA CENTURLINK'S APPLICATION FOR APPROVAL OF AN INTERCONNECTION AGREEMENT WITH DISH WIRELESS L.L.C. FOR THE STATE OF IDAHO PURSUANT TO 47 U.S.C. § 252(e))
) **CASE NO. CGS-T-22-02**
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) **ORDER NO. 35614**
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On July 20, 2022, CenturyTel of Idaho, Inc. dba CenturyLink and CenturyTel of the Gem State, Inc. dba CenturyLink (individually and collectively “CenturyLink”) and DISH Wireless L.L.C. (“DISH”) 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 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 APPLICATION

The jointly filed Application indicates that the Agreement was submitted for the Commission's 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 interconnections.

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 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. Approval of this Application does not negate the parties' responsibility to obtain a Certificate of Public Convenience and Necessity if they plan to offer local exchange services, or to comply with *Idaho Code* §§ 62-604 and 62-606 if they plan to 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 Idaho, Inc. dba CenturyLink and CenturyTel of the Gem State, Inc. dba CenturyLink with DISH Wireless L.L.C., Case Nos. CEN-T-22-02 and CGS-T-22-02, 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 30th day of November 2022.



ERIC ANDERSON, PRESIDENT

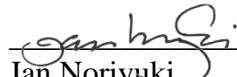


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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