

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF CENTURYTEL OF THE )  
GEM STATE, INC. DBA CENTURYLINK’S ) CASE NO. CGS-T-22-03  
APPLICATION FOR APPROVAL OF AN )  
AMENDMENT TO THE INTERCONNECTION )  
AGREEMENT WITH METROPOLITAN )  
TELECOMMUNICATIONS OF IDAHO INC. )  
DBA METTEL PURSUANT TO 47 U.S.C. § )  
252(e) )**

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**IN THE MATTER OF CENTURYTEL OF )  
IDAHO, INC. DBA CENTURYLINK’S ) CASE NO. CEN-T-22-03  
APPLICATION FOR APPROVAL OF )  
AMENDMENT TO THE INTERCONNECTION )  
AGREEMENT WITH METROPOLITAN ) ORDER NO. 35661  
TELECOMMUNICATIONS OF IDAHO INC. )  
DBA METTEL PURSUANT TO 47 U.S.C. § )  
252(e) )**

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On September 29, 2022, CenturyTel of Idaho, Inc. dba CenturyLink and CenturyTel of the Gem State, Inc. dba CenturyLink (individually and collectively “CenturyLink”) and Metropolitan Telecommunications of Idaho Inc. DBA MetTel (“MetTel”) applied to the Idaho Public Utilities Commission (“Commission”) for an Order approving an Amendment (“Amendment”) to the Interconnection Agreement (“Agreement”). The Commission approved the Agreement on December 17, 2013. Order No. 32949. The Parties’ proposed Amendment would add additional terms and conditions to the Agreement for Resale through the Resale Forbearance Amendment. With this Order, the Commission approves the requested Amendment.

**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 Amendment 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 Amendment adds new terms and conditions for resale.

### **STAFF RECOMMENDATION**

Staff reviewed the Application and Amendment and believed the terms and conditions are not discriminatory or contrary to the public interest. Staff also believed the Amendment was 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 Amendment.

### **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.*

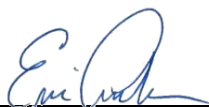
Based upon our review of the Application and Staff’s recommendation, the Commission finds that the Amendment is consistent with the public interest, convenience, and necessity and does not discriminate. Therefore, the Commission finds that the Application should be approved. Approval of this Application 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 Amendment to the Agreement between CenturyLink and MetTel, Case Nos. CEN-T-22-03 and CGS-T-22-03, 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 12<sup>th</sup> day of January 2023.



ERIC ANDERSON, PRESIDENT

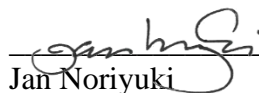


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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