

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF CENTURYTEL OF</b>	)	
<b>IDAHO, INC. DBA CENTURYLINK'S</b>	)	<b>CASE NO. CEN-T-23-01</b>
<b>APPLICATION FOR APPROVAL OF THE</b>	)	
<b>INTERCONNECTION AGREEMENT WITH</b>	)	
<b>EARTHGRID PBC DBA EARTHGRID PBC</b>	)	
<b>CORPORATION FOR THE STATE OF IDAHO</b>	)	
<b>PURSUANT TO 47 U.S.C. § 252(e)</b>	)	
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<b>IN THE MATTER OF CENTURYTEL OF THE</b>	)	
<b>GEM STATE, INC. DBA CENTURYLINK'S</b>	)	<b>CASE NO. CGS-T-23-01</b>
<b>APPLICATION FOR APPROVAL OF THE</b>	)	
<b>INTERCONNECTION AGREEMENT WITH</b>	)	
<b>EARTHGRID PBC DBA EARTHGRID PBC</b>	)	<b>ORDER NO. 36007</b>
<b>CORPORATION FOR THE STATE OF IDAHO</b>	)	
<b>PURSUANT TO 47 U.S.C. § 252(e)</b>	)	
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On August 23, 2023, CenturyTel of Idaho, Inc. dba CenturyLink and CenturyTel of the Gem State, Inc. dba CenturyLink (individually and collectively “CenturyLink”) jointly applied to the Commission for an Order approving an Interconnection Agreement (“Agreement”) with EarthGrid PBC dba EarthGrid PBC Corporation (“EarthGrid”) (“Application”). With this Order, the Commission approves CenturyLink’s and EarthGrid’s 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 [Federal Communications Commission (“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 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 believed 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.

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 against any carriers not a party to the Agreement. Therefore, the Commission finds that the Application should be approved.

### **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 EarthGrid PBC dba EarthGrid PBC Corporation, Case Nos. CEN-T-23-01 and CGS-T-23-01, is approved.

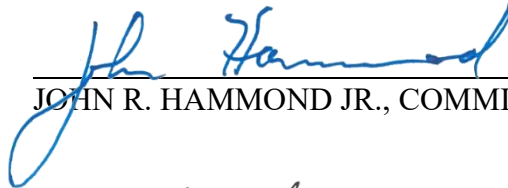
THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for

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 22<sup>nd</sup> day of November 2023.



ERIC ANDERSON, PRESIDENT



JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez  
Interim Commission Secretary

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