

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION) CASE NO. CTC-T-20-01
OF CITIZENS TELECOMMUNICATIONS)
COMPANY OF IDAHO FOR APPROVAL OF) ORDER NO. 34652
A RESALE AGREEMENT WITH BULLSEYE)
TELECOM, INC. PURSUANT TO § 47 U.S.C.)
252(e))

On March 20, 2020, Citizens Telecommunications Company of Idaho (“Frontier”) applied for an order approving a resale interconnection agreement (“Agreement”) with BullsEye Telecom, Inc. (“BullsEye”). With this Order, the Commission approves the Agreement.

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 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). 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 provisions of Section 251(b) or (c).” Order No. 28427 at 11 (emphasis in original). This comports with the FCC’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

In this Application, Frontier asks the Commission to approve an Agreement with Bullseye. The Agreement establishes terms for BullsEye’s wholesale purchase of telecommunications services from Frontier for resale, which is limited to “retail services made available to [e]nd [u]sers and uses conforming to the class of service restrictions in Frontier’s Local

Exchange Service Tariff and pursuant to all rules and regulations related to the provision of local exchange services promulgated by [the] Commission.”

STAFF RECOMMENDATION

Staff reviewed the Application and believes the Agreement is not discriminatory or contrary to the public interest. Staff also believes the Agreement is consistent with the pro-competitive policies of this Commission, Title 62 of the Idaho Code, and Act. Accordingly, Staff recommended that the Commission approve the Agreement.

COMMISSION DECISION

Under the federal Telecommunications 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 it 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 the 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

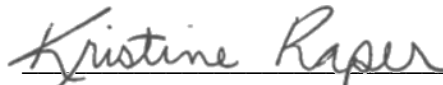
IT IS HEREBY ORDERED that the Application is granted, and the Agreement is approved.

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 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 29th
day of April 2020.



PAUL KJELLANDER, PRESIDENT

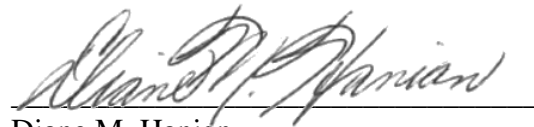


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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