

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

<b>IN THE MATTER OF CITIZENS</b>	)	<b>CASE NO. CTC-T-20-02</b>
<b>TELECOMMUNICATIONS COMPANY OF</b>	)	
<b>IDAHO'S APPLICATION FOR APPROVAL</b>	)	<b>ORDER NO. 34673</b>
<b>OF AN AMENDMENT TO A RESALE</b>	)	
<b>AGREEMENT WITH BULLSEYE</b>	)	
<b>TELECOM, INC.</b>	)	

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On April 29, 2020, Citizens Telecommunications Company of Idaho ("Frontier") applied for Commission approval of an amendment ("Amendment") to a resale interconnection agreement ("Agreement") with BullsEye Telecom, Inc. ("BullsEye"). The Amendment responds to several recent Federal Communications Commission ("FCC") orders modifying unbundled network element ("UNE") requirements for incumbent local exchange carriers. With this Order, the Commission approves the Amendment.

### 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 the Amendment to the Agreement with BullsEye. The Commission approved the Agreement on April 29, 2020. Order

No. 34652. The Amendment is intended to conform the Agreement with several recent FCC orders modifying UNE requirements for incumbent local exchange carriers. Specifically, Frontier will no longer provide BullsEye any new telecommunication service for resale at a wholesale discount. Additionally, Frontier will no longer provide to BullsEye “unbundled two-wire and four-wire analog voice grade copper loops, including attached [time division multiplex] equipment....” Application, Amendment at 2.

### **STAFF RECOMMENDATION**

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

### **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 Amendment 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 Amendment. Our approval of the Amendment 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 Amendment is approved.

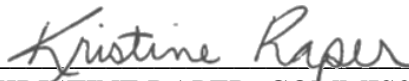
THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any

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.*

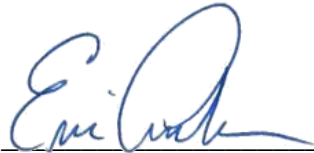
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 19<sup>th</sup> day of May 2020.



PAUL KJELLANDER, PRESIDENT

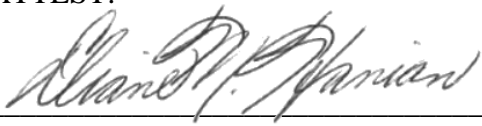


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian  
Commission Secretary

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