

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**FOR APPROVAL OF AN ) CASE NO. FIL-T-21-02**  
**INTERCONNECTION AGREEMENT )**  
**BETWEEN FILER MUTUAL TELEPHONE )**  
**COMPANY AND TELEPORT ) ORDER NO. 35162**  
**COMMUNICATIONS AMERICA, LLC )**  
**)**

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On August 4, 2021, Filer Mutual Telephone Company (“Filer Mutual”) applied to the Commission for an Order approving an Interconnection Agreement (“Agreement”) with Teleport Communications America, LLC (“Teleport Communications”). With this Order, the Commission approves their Agreement.

**BACKGROUND**

Under the provisions of the 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 regulation 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 stated that the Agreement was reached through voluntary negotiation and was submitted for approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. The Agreement establishes terms, conditions and pricing for the local interconnection and the exchange of local traffic for the State of Idaho.

## 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 the Agreement to be consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the Application should be approved. Our approval of the Application 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.

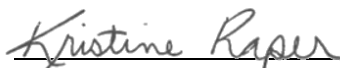
## ORDER

IT IS HEREBY ORDERED that the Agreement of Filer Mutual and Teleport Communications, Case No. FIL-T-21-02, 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 regarding 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.

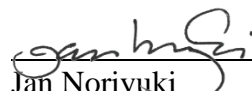
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10<sup>th</sup> day of September 2021.

  
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PAUL KJELLANDER, PRESIDENT

  
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KRISTINE RAPER, COMMISSIONER

  
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ERIC ANDERSON, COMMISSIONER

ATTEST:

  
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Jan Noriyuki  
Commission Secretary

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