

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF POTLATCH TELEPHONE COMPANY ) CASE NO. POT-T-21-01  
D/B/A TDS TELECOM'S APPLICATION )  
FOR APPROVAL OF AN )  
INTERCONNECTION AGREEMENT WITH ) ORDER NO. 35011  
TIME WARNER INFORMATION )  
SERVICES, LLC PURSUANT TO 47 U.S.C. § )  
252(E). )**

On November 2, 2020, Potlatch Telephone Company d/b/a TDS Telecom (“TDS”) applied for an order approving its new interconnection agreement (“Agreement”) with Time Warner Information Services, LLC (“Time Warner”). With this Order, the Commission approves the Agreement.

**BACKGROUND**

Under the federal Telecommunications Act of 1996, 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 an agreement adopted by negotiations only if it finds that: (1) the agreement 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 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 its Application, TDS asks the Commission to approve the Agreement with Time Warner. The Agreement establishes terms, conditions and pricing for the local interconnection and exchange of local traffic in Idaho.

### **STAFF RECOMMENDATION**

Staff reviewed the Application and the interconnection agreement between TDS and Time Warner 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 the federal Telecommunications Act. Accordingly, Staff recommended that the Commission approve the Agreement.

### **COMMISSION DECISION**

Under the federal 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 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 any 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 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.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26<sup>th</sup> day of April 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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