

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF TDS)	CASE NO. POT-T-23-02
TELECOMMUNICATIONS, LLC (TDS)	
TELECOM) ACTING AS AN AGENT FOR)	
POTLATCH TELEPHONE COMPANY,)	ORDER NO. 36109
D/B/A TDS TELECOM, FOR APPROVAL OF)	
THE INTERCONNECTION AGREEMENT)	
WITH LEVEL 3 COMMUNICATIONS, LLC)	
(CLEC) FOR THE STATE OF IDAHO)	
)	

On December 7, 2023, TDS Telecommunications, LLC (TDS Telecom) as an agent for Potlatch Telephone Company, d/b/a TDS Telecom (“TDS Telecom”) applied for approval of an Interconnection Agreement by and between TDS Telecom and Level 3 Communications, LLC (“Level 3”) for the State of Idaho (“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 such agreement or portion 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 that voluntarily enter 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. Likewise, the FCC stated 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 Agreement sets forth the terms and conditions for the Interconnection of Level 3’s network to TDS Telecom’s network, compensation for the transport and termination of telecommunications traffic between TDS Telecom and Level 3, and the provision of ancillary

functions by TDS Telecom and Level 3 for the State of Idaho. The Agreement also supersedes and terminates all previous agreements between Level 3 and TDS Telecom.

The Application indicates that the Agreement was reached through voluntary negotiations without resort to mediation or arbitration and was submitted for Commission approval pursuant to Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.

STAFF REVIEW

After reviewing the Application, Staff believed the Agreement is consistent with FCC orders and the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Consequently, Staff recommended that the Commission approve the Application.

COMMISSION FINDINGS

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 that the Agreement is consistent with the public interest, convenience, and necessity and does not discriminate. Therefore, the Commission finds that the Application should be approved. Approval of this Application does not negate the parties' responsibility to obtain a Certificate of Public Convenience and Necessity if they plan to offer local exchange services, or to comply with *Idaho Code* §§ 62-604 and 62-606 if they plan to provide other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

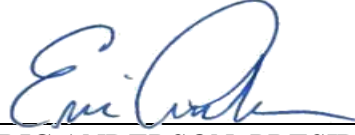
ORDER

IT IS HEREBY ORDERED that the interconnection agreement by and between TDS Telecom and Level 3 Communications, LLC is approved.

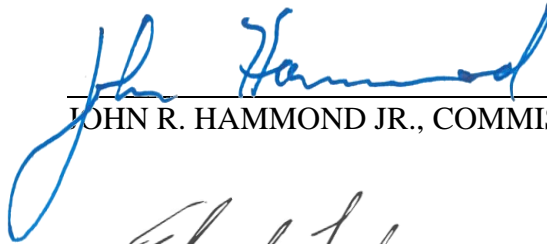
THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) may petition for reconsideration within twenty-one (21) days of the service date of this Order regarding any matter decided therein. Within seven (7) days after any person

has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 62-619.

DONE by order of the Idaho Public Utilities Commission at Boise, Idaho this 7th day of March 2024.



ERIC ANDERSON, PRESIDENT



JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez
Commission Secretary

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