

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION DBA)
CENTURYLINK QC FOR APPROVAL OF)
THE INTERCONNECTION AGREEMENT)
WITH CUSTER TELEPHONE)
COOPERATIVE, INC. DBA CUSTERTEL)
WIRELESS FOR THE STATE OF IDAHO)
)

CASE NO. QWE-T-24-01

ORDER NO. 36288

On May 31, 2024, Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”) applied to the Idaho Public Utilities Commission (“Commission”) seeking approval of an Interconnection Agreement (“Agreement”) between CenturyLink and Custer Telephone Cooperative, Inc. dba CusterTel Wireless for the State of Idaho (“CusterTel Wireless”) (“Application”). CenturyLink stated that the parties reached this Agreement voluntarily. The Agreement proposes pricing, conditions, and other terms pertaining to local interconnection as well as the exchange of local traffic between the parties within the State of Idaho.

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 a 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). Companies voluntarily entering into interconnection agreements “may negotiate terms, prices and conditions that do not comply with either the [Federal Communications Commission] rules or with the provisions of Section 251(b) or (c).” Order No. 28427 at 11. This comports with the Federal Communications Commission’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

CenturyLink stated that the Agreement complied with the requirements of the Act and did not violate the pro-competitive policies of this Commission and the Federal Communications Commission. CenturyLink further asserted that because the Agreement “was reached through voluntary negotiations, it does not raise issues requiring a hearing and does not concern other parties not a party to the negotiations.” Application at 2.

STAFF RECOMMENDATION

Staff reviewed the Application and Agreement and believed CenturyLink’s request is not discriminatory or contrary to the public interest. Staff also believed the Agreement is consistent with the pro-competitive policies of this Commission, Title 62 of the Idaho Code, and the Act. Accordingly, Staff recommended Commission approval of the Agreement.

COMMISSION FINDINGS AND DECISION

Under the 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 the Commission finds that the agreement would discriminate against nonparty telecommunications carriers or that implementing it would be inconsistent with the public interest, convenience, and necessity.

Based upon our review of the record, 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 that the Application should be approved. 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 about 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. *Idaho Code* §§ 61-626 and 62-619.

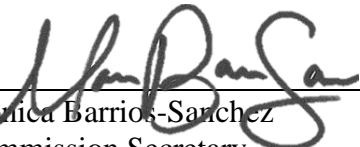
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8th day of August 2024.


ERIC ANDERSON, PRESIDENT


JOHN R. HAMMOND, JR., COMMISSIONER


EDWARD LODGE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

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