

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF CUSTER TELEPHONE) CASE NOS. CUS-T-23-01
COOPERATIVE INC. AND TELEPORT) TCS-T-23-01
COMMUNICATIONS AMERICA, LLC.'S)
JOINT APPLICATION FOR APPROVAL OF) ORDER NO. 35826
THEIR INTERCONNECTION AND)
RECIPROCAL COMPENSATION)
AGREEMENT FOR THE STATE)
OF IDAHO)

On March 27, 2023, Custer Telephone Cooperative, Inc. (“Custer”) and Teleport Communications America, LLC. (“TCA”) submitted a joint Application (“Application”) to the Idaho Public Utilities Commission (“Commission”) seeking approval of a proposed Interconnection and Reciprocal Compensation Agreement (“Agreement”). On May 4, 2023, Custer and TCA submitted the signed Agreement as a supplement to the joint Application.

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

The parties stated that they reached the Agreement voluntarily. The Agreement includes terms and conditions for interconnection and reciprocal compensation for services rendered by each party. The parties represented that the Agreement does not discriminate and is consistent with the public interest. Application at 2.

STAFF RECOMMENDATION

Commission Staff (“Staff”) reviewed the Application and Agreement and believed that it is not discriminatory or contrary to the public interest. Staff also believed the Agreement is consistent with the pro-competitive policies of the Commission, Title 62 of the Idaho Code, and the federal Telecommunications Act. Staff recommended the Commission approve the Agreement.

COMMISSION FINDINGS AND 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 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. *Id.*

Based upon our review of the Application and all submitted materials, the Commission finds the Agreement does not discriminate against nonparty telecommunications carriers, and that implementing it is consistent with the public interest, convenience, and necessity. Therefore, the Commission finds it reasonable to grant the Application and approve the Agreement.


The Commission’s 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. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26th day of June 2023.



ERIC ANDERSON, PRESIDENT

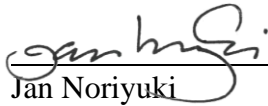


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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