

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
FOR APPROVAL OF AN AMENDMENT) CASE NO. VZN-T-20-01
TO AN INTERCONNECTION)
AGREEMENT BETWEEN FRONTIER)
COMMUNICATIONS NORTHWEST INC.) ORDER NO. 34633
AND TIME WARNER CABLE)
INFORMATION SERVICES (IDAHO), LLC)
D/B/A TIME WARNER CABLE)
)

On March 27, 2020 this Commission received an Application seeking approval of Amendment No. 2 to an Interconnection Agreement between Frontier Communications Northwest Inc. and Time Warner Cable Information Services (Idaho), LLC dba Time Warner Cable (“Amended Agreement”). The original Interconnection Agreement was approved by the Idaho Public Utilities Commission on July 18, 2013. *See* Order No. 32856.

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

of 1996. The Amended Agreement details the parties' agreement regarding local number portability, the change management process, and the escalation process for wholesale services.

STAFF RECOMMENDATION

Staff has reviewed the Application and believes the Amended Agreement is consistent with the FCC orders and pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommends Commission approval of the Application seeking approval of the Amended Agreement.

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 Amended Agreement and the Staff's recommendation, the Commission finds that the Amended Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the Application and Amended Agreement is approved. The Commission's 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 Application and Amended Agreement of Frontier Communications Northwest Inc. and Time Warner Cable, 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 with regard to 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 21st
day of April 2020.



PAUL KJELLANDER, PRESIDENT

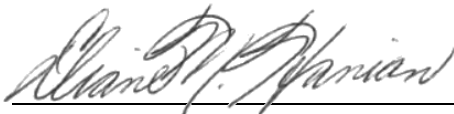


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

I:\Legal\TELEPHONE\VZNT2001_Final_jh.docx