

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION |) | |
| OF CENTURYTEL OF IDAHO, INC. DBA |) | CASE NO. CEN-T-14-05 |
| CENTURYLINK AND ELECTRIC |) | |
| LIGHTWAVE, LLC PURSUANT TO 47 U.S.C. |) | |
| § 252(e) |) | |
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| IN THE MATTER OF THE APPLICATION |) | |
| OF CENTURYTEL OF THE GEM STATE, |) | CASE NO. CGS-T-14-05 |
| INC. DBA CENTURYLINK OF ITS |) | |
| INTERCONNECTION AGREEMENT AND |) | |
| ELECTRIC LIGHTWAVE, LLC PURSUANT |) | ORDER NO. 33148 |
| TO 47 U.S.C. § 252(e) |) | |
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In these cases the Commission is asked to approve amendments to the Interconnection Agreements. With this Order, the Commission approves the amendments to the Interconnection Agreements.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996 (“the Act”), interconnection agreements, including amendments thereto, 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 statement 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

1. CenturyTel of Idaho, Inc. dba CenturyLink and Electric Lightwave, LLC, Case No. CEN-T-14-05. On September 12, 2014, this Commission received CenturyTel of Idaho's Application seeking approval of its Interconnection Agreement with Electric Lightwave.

The Application states that the 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 Agreement sets out rates, terms and conditions for local interconnection, collocation, local resale, and purchase of Unbundled Network Elements (UNE).

2. CenturyTel of the Gem State, Inc. dba CenturyLink and Electric Lightwave, LLC, Case No. CGS-T-14-05. On September 12, 2014, this Commission received CenturyTel of the Gem State's Application seeking approval of its Interconnection Agreement with Electric Lightwave.

The Application states that the 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 Agreement sets out rates, terms and conditions for local interconnection, collocation, local resale, and purchase of Unbundled Network Elements (UNE).

STAFF RECOMMENDATION

Staff reviewed the Applications and does not find any terms or conditions that it considers to be discriminatory or contrary to the public interest. Staff believes that the Interconnection Agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff recommended the Commission approve the Interconnection Agreements.

COMMISSION DECISION

Under the terms of the Telecommunications Act, Interconnection Agreements, including amendments thereto, must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). However, 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 Applications and Staff's recommendation, the Commission finds that the Interconnection Agreements are consistent with the public interest, convenience and necessity and do not discriminate. Therefore, the Commission finds that the Interconnection Agreements should be approved. Approval of the Agreements does not negate the responsibility of either party to these Agreements to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or to comply with *Idaho Code* §§ 62-604 and 62-606 if they are providing other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

ORDER

IT IS HEREBY ORDERED that the Interconnection Agreement between CenturyTel of Idaho, Inc, dba CenturyLink and Electric Lightwave, LLC, Case No. CEN-T-14-05, is approved.

IT IS FURTHER ORDERED that the Interconnection Agreement between CenturyTel of the Gem State, Inc. dba CenturyLink and Electric Lightwave, LLC, Case No. CGS-T-14-05, 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. 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 7th
day of October 2014.



PAUL KJELLANDER, PRESIDENT



MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Barbara Barrows
Assistant Commission Secretary

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