

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF

FROM: SEAN COSTELLO, DEPUTY ATTORNEY GENERAL

DATE: JUNE 1, 2017

SUBJECT: TANAGER TELECOMMUNICATIONS, LLC's REQUEST TO CANCEL
CERTIFICATE NO. 488; CASE NO. TTL-T-09-01.

At its May 11, 2017, decision meeting, the Commission orally approved a request by Tanager Telecommunications, LLC (the Company) to cancel its Certificate of Public Convenience and Necessity (CPCN) No. 488 because the Company does not currently operate or have customers in Idaho. However, as part of the Company's April 25, 2017, request for cancellation, it also requested a refund of its 2017 \$50.00 special regulatory fee. This request was inadvertently omitted from Staff's decision memorandum and thus not specifically addressed at the May 11, 2017 meeting. At its May 30, 2017, decision meeting, the Commission orally approved a refund of the \$50.00 special regulatory fee. However, the question placed before the Commission for a vote was framed in an unclear manner, and the decision before the Commission needs to be clarified.

STAFF RECOMMENDATION

The Company was registered with the Commission to provide basic local exchange telecommunications services in Idaho in 2016. The 2017 special regulatory fee, assessed to all entities falling within the Commission's jurisdiction, was assessed retroactively for calendar year 2016 in April 2017. *See Idaho Code* § 61-1004. Typically this fee is based on a utility's gross revenues, but "[i]n no case shall be less than fifty dollars (\$50.00)." *Idaho Code* § 61-1004(4).

Although the Company stated that it conducted no business in Idaho in 2016, it was actively registered with the Commission to conduct business, and, therefore, subject to its jurisdiction, including the statutorily prescribed special regulatory fee. Accordingly, Staff believes the Company remains responsible for the 2017 baseline \$50.00 special regulatory fee, and should not be refunded the amount.

COMMISSION DECISION

1. Does the Commission wish to approve or deny the Company's requested refund of the \$50.00 special regulatory fee?



Sean Costello
Deputy Attorney General