

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
ALEC TELECOM, INC. FOR A CERTIFICATE) CASE NO. ALE-T-09-01
OF PUBLIC CONVENIENCE AND NECESSITY)
TO PROVIDE LOCAL EXCHANGE) ORDER NO. 30944
TELECOMMUNICATIONS SERVICES)**

On June 12, 2009, ALEC Telecom, Inc. (“ALEC” or “Company”) filed an Application for a Certificate of Public Convenience and Necessity pursuant to *Idaho Code* §§ 61-526 through 528, IDAPA 31.01.01.111 and Commission Order No. 26665 to provide local exchange telecommunications services within the State of Idaho.

Commission Staff consulted with representatives of the Company regarding its Application and the submission of revised tariff pages. On September 29, 2009, the Commission issued a Notice of Application and Notice of Modified Procedure. *See* Order No. 30907. Thereafter, the Commission received written comments submitted by Staff within the established 21-day comment period.

THE APPLICATION

ALEC is a Kentucky corporation and lists its principal place of business as Lexington, Kentucky. Application at 2-3. ALEC is registered with the Idaho Secretary of State as a foreign limited liability company and has contracted with National Registered Agents, Inc., 1423 Tyrell Lane, Boise, Idaho 83706, as its Idaho registered agent for service. *Id.* at 3. Currently, ALEC is certificated, registered or otherwise authorized to provide interexchange and local exchange telecommunications services in the following states: Alabama, California, Florida, Georgia, Kansas, Kentucky, Mississippi, Nebraska, Nevada, North Carolina, Ohio, South Carolina, Tennessee, Texas and Washington. *Id.* at 1.

ALEC proposes to “provide facilities-based and resold local exchange and interexchange services to the extent the network and transmission facilities of its facilities-based competitive suppliers permit.” *Id.* at 2. ALEC will offer “wholesale switching and interconnection services to other telephone service providers and similarly-positioned wholesale business customers.” *Id.* at 4.

ALEC requests authority to provide its services to customers “throughout the entire state of Idaho, or to the extent the facilities of its underlying carriers permit.” *Id.* at 1-2. The Company anticipates that it will compete with current Idaho ILECs Qwest North, Qwest South and Verizon Northwest. *Id.* at 4. The Company “does not anticipate installing physical plant at this time” and states that it intends to “collocate switching, signaling systems and other equipment of ILEC and non-ILEC collocation facilities. . . .” *Id.* at 2. Applicant has not yet finalized the location of its facilities in Idaho. *Id.*

In its filing, ALEC included a copy of its initial tariff and price sheets. *Id.* at 5, Exhibit 3. The Company has “reviewed all of the Commission’s rules and agrees to comply with them.” *Id.*, Exhibit 4. ALEC states that it has initiated negotiations for network interconnection with Verizon Northwest Inc. *Id.* at 6. The Company does not anticipate that it will require advance payments or deposits from its customers. *Id.*

STAFF COMMENTS

Staff reviewed ALEC’s Application and determined that the Company has complied with the requirements of Procedural Order No. 26665 and IDAPA 31.01.01.111 (Commission Procedural Rule 111). Staff believes that ALEC possesses the requisite financial, managerial, and technical qualifications necessary to operate as a telecommunications provider within the state of Idaho. *See* Staff Comments at 2.

Based upon its review, Staff recommended that the Company be granted a CPCN subject to the following conditions: (1) compliance with the Number Pool Administrator and Order No. 30425 mandating number resource utilization forecast (NRUF) reporting; (2) contribution to the Idaho Universal Service Fund, Idaho Telecommunications Relay System (TRS), Idaho Telephone Assistance Program (ITSAP) and any future reporting requirements deemed appropriate for competitive telecommunication providers; (3) filing a final and complete price list with the Commission containing all of its rates, terms and conditions; and (4) an agreement from the Company to relinquish its certificate and any telephone numbers if, within one year of the issuance of a CPCN, the Company is not offering local exchange telecommunications services in Idaho. *Id.* at 3.

COMMISSION FINDINGS

Based upon our review of ALEC’s Application and the record in this case, including Staff’s comments regarding the importance of securing the Company’s compliance with all

federal and state guidelines pertaining to the Idaho area code, the Commission finds that ALEC's filing satisfies the requirements of the Commission's Rules and Procedural Order No. 26665. Thus, we approve ALEC's Application for a Certificate of Public Convenience and Necessity, subject to the conditions detailed in Staff's submitted comments, to allow the Company to provide local exchange telecommunications services in the State of Idaho.


ORDER

IT IS HEREBY ORDERED that the Application of ALEC Telecom, Inc. for a Certificate of Public Convenience and Necessity is granted to enable the Company to provide local exchange telecommunications services within the State of Idaho.

IT IS FURTHER ORDERED that the Company's Certificate of Public Convenience and Necessity shall be subject to the following conditions: (1) compliance with the Number Pool Administrator and Order No. 30425 mandating number resource utilization forecast (NRUF) reporting; (2) contribution to the Idaho Universal Service Fund, Idaho Telecommunications Relay System (TRS), Idaho Telephone Assistance Program (ITSAP) and any future reporting requirements deemed appropriate for competitive telecommunication providers; (3) filing a final and complete price list with the Commission containing all of its rates, terms and conditions; and (4) an agreement from the Company to relinquish its certificate and any telephone numbers if, within one year of the issuance of a CPCN, the Company is not offering local exchange telecommunications services in Idaho..

THIS IS A FINAL ORDER. Any person interested in the 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.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 13th
day of November 2009.



JIM D. KEMPTON, PRESIDENT

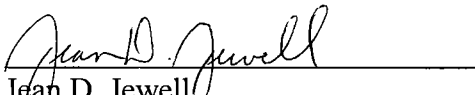


MARSHA H. SMITH, COMMISSIONER



MACK A. REDFORD, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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