

DECISION MEMORANDUM

TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL

DATE: SEPTEMBER 16, 2009

SUBJECT: APPLICATION OF ALEC, INC. FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY; CASE NO. ALE-T-09-01

On June 12, 2009, ALEC, 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.

Subsequently, Commission Staff consulted with representatives of the Company regarding its Application and the submission of revised tariff pages.

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, 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 [Incumbent Local Exchange Company] 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 has included a copy of its initial tariff and price sheets. *Id.* at 5, Exh. 3. The Company has “reviewed all of the Commission’s rules and agrees to comply with them. *Id.*, Exh. 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 advanced payments or deposits from its customers. *Id.*

COMMISSION DECISION

Does the Commission wish to process ALEC’s Application for a Certificate of Public Convenience and Necessity through Modified Procedure?



Neil Price
Deputy Attorney General

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