

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF BIRCH** )  
**COMMUNICATIONS, INC.’S APPLICATION** ) **CASE NO. BIR-T-18-01**  
**FOR A CERTIFICATE OF PUBLIC** )  
**CONVENIENCE AND NECESSITY** ) **NOTICE OF APPLICATION**  
)  
) **NOTICE OF**  
) **MODIFIED PROCEDURE**  
)  
) **ORDER NO. 33968**

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On November 28, 2017, Birch Communications, Inc. (Birch) applied to the Commission for a Certificate of Public Convenience and Necessity (Application)(CPCN) authorizing it to provide local and long distance telecommunications service in Idaho. With this Order, the Commission solicits public input on the Application and orders that the case be processed under the Commission’s Rules of Modified Procedure.

**NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that Birch is a Georgia corporation, authorized to do business in Georgia and is located at 320 Interstate North Pkwy SE, Atlanta, GA 30339. It is registered with the Idaho Secretary of State and its Foreign Certificate of Registration is attached to the December 19, 2017, Supplement to its Application.

YOU ARE FURTHER NOTIFIED that Birch proposes, and requests authority, to offer resold local exchange and long distances services statewide within the State of Idaho. Application at 1. Birch states that it plans to provide service to “large business customers” in the incumbent local exchange carrier (ILEC) territories of CenturyLink and Frontier utilizing “a mix of its own facilities (located in other states), unbundled network elements (‘UNEs’) or UNE-replacement services from ILECs, and other ILEC-provided services . . . .” *Id.* at 4.

YOU ARE FURTHER NOTIFIED that Birch provided its Articles of Incorporation, names and addresses of Officers and Directors, as well as financial information, which it asserts is exempt from public disclosure pursuant to Rule 67. *See* Exhibits A-C; IDAPA 31.01.01.067.

YOU ARE FURTHER NOTIFIED that Birch agrees to comply with all Commission rules. *Id.* at 6.

YOU ARE FURTHER NOTIFIED that the Application has been filed with the Commission and is available for public inspection during regular business hours at the

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Commission offices. The Application is also available on the Commission's web site at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the "File Room" tab at the top of the page, scroll down to "Open Telephone Cases," and then click on the case number shown on the front of this document.

### NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure. *See* IDAPA 31.01.01.201 – .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission **by no later than 21 days from the service date of this Order**. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary	Angela Collins
Idaho Public Utilities Commission	Cahill Gordon & Reindel LLP
PO Box 83720	1990 K Street, N.W., Suite 950
Boise, ID 83720-0074	Washington, D.C. 20006-1181
	E-mail: <a href="mailto:acollins@cahill.com">acollins@cahill.com</a>

Street Address for Express Mail:

472 W. Washington Street  
Boise, ID 83702-5918

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the "Case Comment Form" under the "Consumers" tab, and complete the comment form, using the case number as it appears on the front of this document. These comments must also be sent to the Applicant at the e-mail address listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit

set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission’s jurisdiction under Title 62 of the Idaho Code and specifically *Idaho Code* §§ 62-604, 62-615, and 62-622. The Commission may enter any final Order consistent with its authority under Title 62 and Commission Rule of Procedure 114. *See* IDAPA 31.01.01.114.

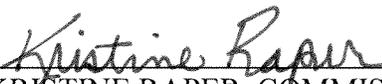
YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission’s Rules of Procedure. *See* IDAPA 31.01.01; *Idaho Code* § 62-619.

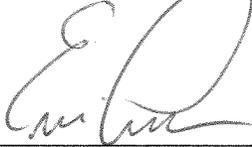
**ORDER**

IT IS HEREBY ORDERED that this Application be processed under Modified Procedure, IDAPA 31.01.01.201 – .204. Persons interested in submitting written comments or protesting the use of Modified Procedure must do so by 21 days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this <sup>18<sup>th</sup></sup> day of January 2018.

  
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PAUL KJELLANDER, PRESIDENT

  
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KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Diane Hanian  
Commission Secretary

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