

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)
) **ORDER NO. 33995**
)

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. The Commission issued a Notice of Application and Notice of Modified Procedure with a 21-day comment period. Order No. 33968. Commission Staff was the only party to file written comments. After reviewing the Application and comments, the Commission approves the Application.

THE APPLICATION

Birch is a Georgia corporation, authorized to do business in Georgia and is located at 320 Interstate North Pkwy SE, Atlanta, GA 30339. The Company is registered with the Idaho Secretary of State. The Company seeks authority to offer resold local exchange and long distance services within the State of Idaho. Application at 1. Birch stated 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. Birch agreed to comply with all Commission rules.

STAFF COMMENTS

Staff reviewed Birch’s Application and supplemental filings for compliance with the applicable legal requirements for obtaining a CPCN. Based on its review, Staff believes the Company understands and agrees to comply with the Commission’s rules and requirements. Staff believes Birch has fulfilled all requirements for a CPCN and recommended approval of the Company’s Application.

DISCUSSION AND FINDINGS

Based on our review of the record, including the Company’s Application and Staff’s comments, we find that the Company’s Application complies with the requirements for a CPCN.

Rule of Procedure 114 sets forth the requirements that competitive local exchange carriers – such as Birch – must satisfy to obtain a CPCN. IDAPA 31.01.01.114. We find that Birch has provided all needed information in its Application, including financial information, and that Birch possesses the requisite financial, managerial, and technical qualifications needed to operate as a telecommunications service provider. We also find that the Company is aware of and has agreed to comply with this Commission’s rules. For these reasons, we approve Birch’s Application for a CPCN subject to the following conditions:

1. Birch shall comply with number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
2. Birch shall provide necessary reports and contributions as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, Idaho Telecommunications Service Assistance Program, and shall comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers; and
3. Prior to issuance of the Certificate, Birch shall file a final price list outlining all its rates, terms and conditions with the Commission, pursuant to IDAPA 31.01.01.133 and Order No. 26665.

ORDER

IT IS HEREBY ORDERED that Birch Communications, Inc.’s Application for a CPCN is granted subject to the conditions outlined above.

THIS IS A FINAL ORDER. Any person interested in 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* § 62-619.

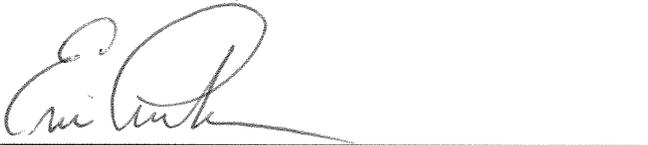
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *23rd*
day of February 2018.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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