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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
CINCINNATI BELL ANY DISTANCE INC. FOR) CASE NO. **BWT-T-12-01**
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE LOCAL)
EXCHANGE TELECOMMUNICATIONS) COMMENTS OF THE
SERVICES.) COMMISSION STAFF
)

The Staff of the Idaho Public Utilities Commission comments as follows on Cincinnati Bell Any Distance Inc.'s Application for a Certificate of Public Convenience and Necessity ("CPCN").

BACKGROUND

On April 12, 2012, Cincinnati Bell Any Distance Inc. ("CBAD" or "Company") applied for a CPCN allowing it to provide resold and facilities-based local exchange telecommunications service to business customers in Idaho. Application at 1.

CBAD states it has a nationwide coverage agreement with Access Point, Inc., and it intends to negotiate interconnection agreements with CenturyLink QC ("CenturyLink") or other carriers. *Id.* at 6. CBAD will offer services throughout Idaho, and will compete with the incumbent local exchange carrier, CenturyLink, and with many competitive local exchange carriers ("CLECs"). *Id.* at 4.

STAFF ANALYSIS

CBAD is a Delaware corporation that has its principal place of business in Cincinnati, Ohio. The Company does not have a business address in Idaho; its registered agent for service in Idaho is Corporate Service Company. A subsidiary of Cincinnati Bell Inc., Cincinnati Bell Technology Solutions Inc., owns 100% of CBAD's outstanding shares. *Id.* 2-3. In the Application, the Company states it is a "CLEC in each of the continental United States with the exception of South Dakota, Montana and Vermont." *Id.* at 1.

CBAD intends to offer services to business customers only. "Services will include, but not be limited to, resold local and long distance services, transport services, IP services, Internet access, and calling features, among other services." *Id.* at 4.

CBAD states it has provided long-distance services in Idaho since 2003. *Id.* at 1. The Company now seeks to provide competitive local exchange services to business customers only, using resold services from the underlying incumbent local exchange carrier or other authorized carriers. Services to be provided include "resold local and long distance services, transport services, IP services, Internet access, and calling features, among other services." CBAD may also provide services using its own facilities, or a combination of resold and facilities-based services. *Id.* at 4.

With the Application, the Company provided a copy of the Certificate of Incorporation, Certificate of Authority from Idaho Secretary of State, and financial documents consisting of Balance Sheets as of December 31, 2010 and 2011, and Income Statement for year ended December 31, 2011. Att. A and *Confidential* Att. C. CBAD states that it has reviewed and agrees to comply with all Commission rules. *Id.* at 6.

STAFF RECOMMENDATION

Staff has reviewed CBAD's Application. Based on the review, Staff believes the Company understands and agrees to comply with the Commission's rules and requirements. Staff also believes the Company's filing meets the requirements specified in the Commission's Rules of Procedure, IDAPA 31.01.01.114 and Commission Order No. 26665. Staff believes that CBAD possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services. Staff thus recommends that the Commission approve the Application subject to the following conditions:

1. The Company must comply with the number pooling and reporting requirements of the North American Numbering Plan Administrator;¹

2. CBAD must provide necessary reports and contribute as appropriate to the Idaho Universal Service Fund,² Idaho Telecommunications Relay System,³ Idaho Telecommunications Service Assistance Program,⁴ and comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers;

3. Before the Commission issues the Certificate, the Company must file a final price list with all rates, terms, and conditions with the Commission;⁵ and

4. CBAD must relinquish its Certificate and all telephone numbers if, within one year of issuance of a CPCN, the Company is not providing local exchange telecommunications services in Idaho as defined by *Idaho Code* § 62-603(1).⁶

Respectfully submitted this 30th day of October 2012.


Karl T. Klein
Deputy Attorney General

Technical Staff: Grace Seaman

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¹ See Commission Order No. 30425.

² See Commission Order No. 32637.

³ See Commission Order No. 32524.

⁴ See Commission Order No. 32526.

⁵ See IDAPA 31.01.01.133 and Order No. 26665 at 10.

⁶ Basic local exchange service means the provision of access lines to residential and small business customers with the associated transmission of two-way interactive switched voice communication within a local exchange calling area.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 31ST DAY OF OCTOBER 2012, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. BWT-T-12-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

KATHY CAMPBELL
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SECRETARY

CERTIFICATE OF SERVICE