

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IONEX) CASE NO. INX-T-13-01
COMMUNICATIONS NORTH, INC.'S)
APPLICATION FOR A CERTIFICATE OF) NOTICE OF APPLICATION
PUBLIC CONVENIENCE AND NECESSITY)
TO PROVIDE LOCAL EXCHANGE) NOTICE OF
TELECOMMUNICATIONS SERVICES) MODIFIED PROCEDURE
)
) **ORDER NO. 32795**

On January 9, 2013, Ionex Communications North, Inc. dba Birch Communications (the "Company") applied to the Commission for a Certificate of Public Convenience and Necessity ("CPCN") authorizing the Company to provide resold local exchange and interexchange telecommunications service to residential and business customers in Idaho. The Company filed an Amended Application on April 9, 2013, and an amended Application Exhibit E (proposed price list) on April 12, 2013.

With this Order, the Commission summarizes the Amended Application, solicits public input on the Amended Application, and orders that the case be processed under the Commission's Rules of Modified Procedure.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that the Company says it is a South Dakota corporation that is authorized to do business in Idaho. It is headquartered in Kansas City, MO, and is a wholly owned subsidiary of the Georgia corporation, Birch Communications Inc. ("BCI"). Amended Application at 2.¹ The Company says BCI and its subsidiaries provide telecommunications services to business and residential customers in 38 states. *Id.*

YOU ARE FURTHER NOTIFIED that the Company says that BCI is buying assets and customer accounts from Covista, Inc., an authorized local exchange carrier in Idaho. *Id.* at 1. The Company plans to serve customers currently served by Covista. It would provide service in the territories of, and compete with, incumbent local exchange carriers ("ILECs") Qwest

¹ The Company says it is owned 100% by Birch Telecom, Inc., that BCI owns 100% of Birch Telecom, Inc., and that Birch Communications Holdings, Inc. owns a 100% voting and equity interest in BCI. Birch Holdings is a Georgia corporation whose principal business is telecommunications holdings. *Id.* at 2.

Corporation dba CenturyLink QC and Frontier Communications Northwest Inc. It also would compete with competitive local exchange carriers like XO, TW Telecom, and Level 3. *Id.* at 3.

YOU ARE FURTHER NOTIFIED that the Company proposes to provide telecommunications service in Idaho as a facilities-based provider, a reseller, or some combination thereof. *Id.* at 1, 3. It has no plans to place facilities or switches in Idaho, but rather will serve Idaho customers using its facilities and switches in other parts of its service territory. *Id.* The Company says it also will buy unbundled network elements (“UNEs”) or UNE-replacement services from carrier ILECs like Qwest Corporation dba CenturyLink QC and Frontier Communications Northwest Inc. The Company plans to use a mix of its own facilities and services purchased from ILECs to provide local exchange and interexchange services in Idaho. *Id.*

YOU ARE FURTHER NOTIFIED that the Company says it has adequate financial resources to provide the proposed services. *Id.* at 4. Further, it has an existing interconnection agreement with Qwest Corporation dba CenturyLink QC and Frontier Communications Northwest Inc., or their affiliates, and it will seek to add Idaho to those agreements or enter into new agreements with those ILECs as necessary. *Id.* The Company says it will begin serving Covista customers as soon as it receives the necessary regulatory approvals. *Id.* at 3. The Company says it has reviewed and will comply with Commission rules. *Id.* at 4.

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, IDAPA 31.01.01.201 through .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 the Amended Application may file a written comment in support or opposition with the Commission **within twenty-one (21) days from the service date of this Notice.** 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 the Amended

Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary	Tara Jackson
Idaho Public Utilities Commission	Senior Manager, Legal, Regulatory, Security and Fraud
PO Box 83720	Birch Communications
Boise, ID 83720-0074	2300 Main Street, Suite 340
Street Address for Express Mail:	Kansas City, MO 64108
	E-mail: tara.jackson@birch.com
472 W. Washington Street	Angela F. Collins
Boise, ID 83702-5918	Cahill Gordon & Reindel LLP
	1990 K Street, N.W.
	Suite 950
	Washington, D.C. 20006
	E-mail: acollins@cahill.com

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. Click the "Comments and Questions" icon, 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 addresses 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 the Amended Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The Amended Application is also available on the Commission's web site at www.puc.idaho.gov by clicking on "File Room" and then "Telephone Cases."

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. The Commission may enter any final Order consistent with its authority under Title 62 and Commission Rule of Procedure 114, IDAPA 31.01.01.114.


NOTICE OF APPLICATION
NOTICE OF MODIFIED PROCEDURE
ORDER NO. 32795

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

ORDER

IT IS HEREBY ORDERED that the Amended Application be processed under Modified Procedure. Persons interested in submitting written comments regarding this case or protesting the use of Modified Procedure should do so no later than 21 days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 24th day of April 2013.



PAUL KJELLANDER, PRESIDENT

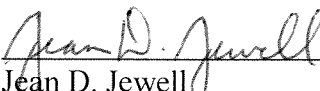


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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