

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF MITEL NETSOLUTIONS, INC. FOR A)	CASE NO. ITN-T-09-01
CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	
PROVIDE LOCAL EXCHANGE)	ORDER NO. 30995
TELECOMMUNICATIONS SERVICES)	
<u>WITHIN THE STATE OF IDAHO</u>)	

On November 25, 2009, Mitel NetSolutions, Inc. ("Mitel" 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.

On December 29, 2009, the Commission issued a Notice of Application and Modified Procedure with a 21-day comment period. *See* Order No. 30968. Thereafter, Commission Staff was the only party to submit comments within the established comment period.

THE APPLICATION

Mitel is a Texas corporation and lists its principal place of business as Chandler, Arizona. *Application* at 1-2. Mitel is registered with the Idaho Secretary of State as a foreign company and has contracted with Corporation Service Company, 1401 Shoreline Drive, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* at 2. Mitel has no office in the State of Idaho. *Id.* at 1.

Mitel wishes to "provide resold local exchange service throughout the service areas of Qwest North, Qwest South and Verizon, utilizing the facilities of the incumbent LECs (ILECS)." *Id.* at 2. Mitel does not plan to install facilities in Idaho. *Id.* at 4. The Company "intends to provide all forms of intrastate local exchange and interexchange telecommunications services including" switched local exchange, non-switched local service (e.g., private line), Centrex and/or Centrex-like services, and Digital subscriber line (ISDN). *Id.* at 5. The Company requests authority to "resell local exchange services initially throughout the State where provided by incumbent LECs," except areas already serviced "by any LECs which are eligible for a small or rural carrier exemption. . . ." *Id.* at 5.

In its filing, Mitel attached a copy of its illustrative tariff. *Id.* at 7, Exh. 5. The Company has “reviewed the laws and regulations of this Commission governing local exchange telecommunications services in Idaho” and agrees to “provide service with all laws, rules and regulations to the extent they are not preempted by the Federal Act.” *Id.* at 8. Mitel states that it “has not initiated interconnection or resale negotiations” for network interconnection. *Id.* The Company will not require advance payments or deposits from its customers; therefore, no escrow account is being filed. *Id.* Mitel has not initiated interconnection or resale negotiations for network interconnection. *Id.*

STAFF COMMENTS AND RECOMMENDATIONS

Staff reviewed Mitel’s Application and recommended that the Company’s Application be approved subject to the following conditions:

1. Full compliance with the Number Pool Administrator and Idaho Commission Order No. 30425, which requires number resource utilization forecast (NRUF) and utilization reporting;
2. Report and contribute to the Idaho Universal Service Fund, Idaho Telecommunications Relay System (TRS), Idaho Telephone Service Assistance Program (ITSAP) and any requisite annual reporting that may be appropriate in the future for competitive telecommunications providers;
3. Submission of a final price list prior to the issuance of the Certificate; and
4. An agreement from the Company to relinquish its Certificate and any telephone numbers, if it is not doing business in Idaho within one year of the issuance of a CPCN.

COMMISSION DECISION AND FINDINGS

Based upon our review of Mitel’s Application and the record in this case, including Staff’s comments, the Commission finds that Mitel’s filing satisfies the requirements of the Commission’s Rules and Procedural Order No. 26665. Thus, we approve Mitel’s Application for a Certificate of Public Convenience and Necessity, subject to the conditions detailed in Staff’s submitted comments, to allow the Company to provide local exchange telecommunications services in the State of Idaho.


ORDER

IT IS HEREBY ORDERED that Mitel NetSolutions, Inc. is granted a Certificate of Public Convenience and Necessity to provide competitive telecommunications services within the State of Idaho.

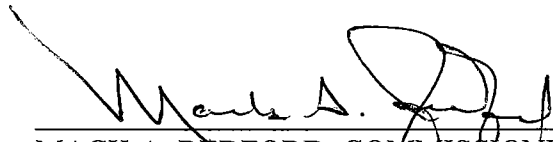
IT IS FURTHER ORDERED that Mitel's Certificate of Public Convenience and Necessity shall be subject to the following conditions: (1) compliance with the Number Pool Administrator and Order No. 30425 mandating number resource utilization forecast (NRUF) reporting; (2) contribution to the Idaho Universal Service Fund, Idaho Telecommunications Relay System (TRS), Idaho Telephone Service Assistance Program (ITSAP) and any future reporting requirements deemed appropriate for competitive telecommunication providers; (3) filing a final and complete price list with the Commission containing all of its rates, terms and conditions; and (4) an agreement from the Company to relinquish its certificate and any telephone numbers if, within one year of the issuance of a CPCN, the Company is not offering local exchange telecommunications services in Idaho.

THIS IS A FINAL ORDER. Any person interested in the Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

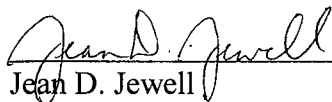
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29th
day of January 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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