

RICHARDSON & O'LEARY, PLLC
ATTORNEYS AT LAW

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2010 JUN 21 PM 3:53
IDAHO PUBLIC
UTILITIES COMMISSION

21 June 2010

LXI-T-10-01

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
P O Box 83720
Boise ID 83720-0074

Hand Delivered

Dear Ms. Jewell:

I am enclosing an original and seven (7) copies of LXI-CLEC, LLC's APPLICATION OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Also enclosed is a copy to be date stamped and returned for our files.

Please note the enclosed Application contains confidential trade secret information that is exempt from public disclosure pursuant to Section 9-340D(1), Idaho Code. Pursuant to Rule 67 of the Rules of Procedure of the Idaho Public Utilities Commission, the enclosed trade secret information has been submitted on yellow paper and has been separated from the non-confidential portion of the Application.

Sincerely,

Molly O'Leary
Richardson & O'Leary PLLC

Molly O'Leary (ISB No. 4996)
RICHARDSON & O'LEARY PLLC
515 N. 27th Street
Boise, Idaho 83702
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Attorneys for LXI-CLEC, LLC

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2010 JUN 21 PM 3: 53

IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF LXI-CLEC, LLC'S
APPLICATION FOR APPROVAL OF A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY

CASE NO. LXI-T-10-01

APPLICATION

LXI-CLEC, LLC ("LXI") hereby submits this application for a Certificate of Public Convenience and Necessity ("Certificate") to provide basic local exchange service in Qwest's Communication's ("Qwest") service area. LXI respectfully requests that the Idaho Public Utilities Commission "[the Commission]" grant the Certificate pursuant to Sections 61-526 through - 528, Idaho Code.

1. NAME, ADDRESS AND FORM OF BUSINESS

A. LXI is a competitive telecommunications company that intends to offer basic local exchange service as a switchless reseller of unbundled network elements obtained via an appropriate interconnection agreement with the incumbent local exchange carrier ("ILEC").

B. LXI is a duly existing Idaho limited liability company in good standing.

- C. LXI's principal business address is:
460 Main Ave S, Suite 10
Twin Falls, Idaho 83301
- D. A copy of LXI's Certificate of Organization is attached hereto as Exhibit 1.
- E. See attached Certificate of Good Standing by the Secretary of State for the

State of Idaho (Exhibit 2) for LXI.

- F. The name and address of LXI's registered agent for service in Idaho is:

Nate Bondelid
460 Main Ave. South, Suite 10
Twin Falls, Idaho

- G. The names and addresses of LXI's owners and their respective offices are as

follows:

Name , Office, Address	Shares Owned	Percentage of All Shares Issued and Outstanding	Percentage of Voting Control
Nate Bondelid Chief Executive Officer 460 Main Ave South Suite 10 Twin Falls, ID 83301	50%	50%	50%
Dallas Gray Chief Financial Officer 460 Main Ave South Suite 10 Twin Falls, ID 83301	50%	50%	50%

2. TELECOMMUNICATIONS SERVICE

Upon the effective date of an approved Certificate, LXI intends to provide resold local and toll telecommunications service to residential and business customers as outlined in its illustrative Price List, attached hereto as Exhibit 3.

3. SERVICE TERRITORY

LXI intends to initially provide basic local exchange services in Qwest's Twin Falls Exchange Area.

4. CONFIDENTIAL FINANCIAL INFORMATION

LXI is a newly formed entity created expressly to provide competitive basic local exchange and other telecommunication services in the described service area. Therefore, LXI hereby submits the financial information of Tek-Hut, Inc., an affiliated company wholly owned by LXI's owners, as evidence of its financial stability. *See, CONFIDENTIAL Exhibit 4*, attached hereto. Tek-Hut has been incorporated in Idaho since 2001 and its ownership mirrors that of LXI. *See, Exhibit 5*, attached hereto.

5. MAPS

LXI proposes to provide service in Qwest's existing Twin Falls Exchange and therefore references, and incorporates herein by this reference, Qwest's service area map on file with the Commission.

6. ILLUSTRATIVE PRICE LIST FILING

LXI is filing an illustrative Price List with this Application to detail the services to be offered under Title 62 authority in compliance with the appropriate Commission rules. [*See Exhibit 3*].

7. COMPANY CONTACTS

For establishment of service, complaints and inquiries regarding service and billing, or reporting or inquiring about network outages or service problems:

Customer Contact:

Nate Bondelid
Chief Executive Officer
460 Main Ave S
Suite 10
Twin Falls, ID 83301

1.877.254.5543

For complaints, inquiries and matters concerning rates and price lists:

Commission Contact:

Nate Bondelid
Chief Executive Officer
460 Main Ave S
Suite 10
Twin Falls, ID 83301

208. 734.7337

8. INTERCONNECTION AGREEMENT

LXI will enter into an Interconnection Agreement with Qwest once it receives its Certification. Qwest will then file an executed copy of the Interconnection Agreement with the Commission for approval.

9. COMPLIANCE WITH COMMISSION RULES

LXI has reviewed all of the Commission rules and agrees to comply with said rules, as applicable, unless otherwise ordered.

10. ADVANCE PAYMENTS/DEPOSITS

Applicant does not intend to require advance payments or deposits, therefore no escrow account has been or will be established for this purpose.

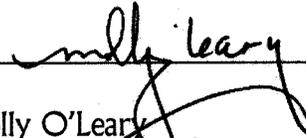
11. RELEASE OF INFORMATION

LXI hereby permits the release of its name, address and general business telephone number in response to a request for the same.

DATED this 21st day of June 2010.

Richardson & O'Leary PLLC

By



Molly O'Leary
Attorneys for LXI-CLEC, LLC

EXHIBIT 1

EXHIBIT 2

State of Idaho

Office of the Secretary of State

CERTIFICATE OF EXISTENCE

OF

LXI-CLEC, LLC

File Number W-89523

I, BEN YSURSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the limited liability company records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named limited liability company filed articles of organization in Idaho on 1/05/2010.

I FURTHER CERTIFY That the limited liability company's articles of organization have not been dissolved.

Dated: 6/21/2010 2:12 PM



Ben Yursa

SECRETARY OF STATE

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EXHIBIT 3

(LXI-CLEC, LLC'S ILLUSTRATIVE TARIFF HAS BEEN
BROKEN OUT AS A STAND-ALONE DOCUMENT)

CONFIDENTIAL

EXHIBIT 4

**under separate
confidential cover**

EXHIBIT 5

FILED FEB 18 2003



ARTICLES OF INCORPORATION

(General Business)

(Instructions on back of application)

The undersigned, in order to form a Corporation under the provisions of Title 30, Chapter 1, Idaho Code, submit the following articles of incorporation to the Secretary of State.

2003 FEB 18 PM 2:42

SECRETARY OF STATE
STATE OF IDAHO

Article 1: The name of the corporation shall be:

TEK-HUT, INC.

Article 2: The number of shares the corporation is authorized to issue: 100

Article 3: The street address of the registered office is: 451 EASTLAND DR STE #3, TWIN FALLS

and the registered agent at such address is: DALLAS GRAY

Article 4: The name of the incorporator is: NATE BONDELID

and address of the incorporator is: 451 EASTLAND DRIVE, SUITE #3, TWIN FALLS, ID

Article 5: The mailing address of the corporation shall be:

451 EASTLAND DRIVE, SUITE #3, TWIN FALLS, ID 83301

Optional Articles:

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

Signature of at least one incorporator:

Nate Bondelid

Typed Name: NATE BONDELID

Dallas Gray

Typed Name: DALLAS GRAY

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Revised 07/2002

IDAHO SECRETARY OF STATE
02/11/2003 05:00
CX: 1255 CT: 165701 BH: 662067
1 @ 100.00 = 100.00 CORP # 2

Web Form

C147615

No. C 147615	Due no later than Feb 28, 2010 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. TEK-HUT, INC. DALLAS GRAY PO BOX 5661 TWIN FALLS ID 83303		DALLAS GRAY 460 MAIN AVE S TWIN FALLS ID 83301			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors and(optional) Treasurer.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
SECRETARY	NATE BONDELID	776 CAMPUS DRIVE	TWIN FALLS	ID	USA	83301
PRESIDENT	DALLAS GRAY	1127 FIESTA WAY	TWIN FALLS	ID	USA	83301
5. Organized Under the Laws of: ID C 147615	6. Annual Report must be signed.* Signature: Dallas Gray Name (type or print): Dallas Gray		Date: 03/08/2010 Title: Pres			
Processed 03/08/2010		* Electronically provided signatures are accepted as original signatures.				

State of Idaho

Office of the Secretary of State

CERTIFICATE OF EXISTENCE

OF

TEK-HUT, INC.

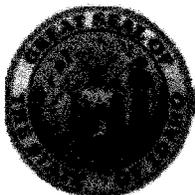
File Number C-147615

I, BEN YSURSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named corporation was incorporated under the laws of Idaho on 2/10/2003.

I FURTHER CERTIFY That the corporation is in goodstanding on the records of this office.

Dated: 6/21/2010 2:52 PM



Ben Yursa

SECRETARY OF STATE

Authentic Access Idaho Document (<http://www.accessidaho.org/public/portal/authenticate.html>)
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