

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
LXI-CLEC, LLC, FOR A CERTIFICATE OF) CASE NO. LXI-T-10-01
PUBLIC CONVENIENCE AND NECESSITY)
TO PROVIDE LOCAL EXCHANGE)
TELECOMMUNICATIONS SERVICES.) ORDER NO. 32057
)

On February 19, 2010, LXI-CLEC, LLC (LXI) filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to provide facilities-based and resold local exchange telecommunications services in the State of Idaho. On June 21, 2010, LXI filed an Amended Application intended to replace its original filing. The Commission issued a Notice of Application and Notice of Modified Procedure on July 29, 2010, setting an August 19, 2010, deadline for comments. Staff was the only party to file comments. After reviewing the comments and the record in this case, the Commission grants the Company's Application for a CPCN.

THE APPLICATION

Its Application states that LXI intends to provide services to residential and business customers as a switchless reseller of unbundled network elements obtained through interconnection agreements with incumbent local exchange carriers. The Company intends to offer service in the areas served by Qwest. At the time of its Application, the Company had not initiated any interconnection or resale agreements.

Although the Company intends to initially provide services to business and residential customers in the Magic Valley, it seeks authority to resell and provide facilities-based interexchange and local exchange services throughout the State. The Company states that because it will not require advanced payments or deposits, no escrow has been or will be established by the Company.

LXI is a limited liability company organized under the laws of Idaho and located in Twin Falls. The Company states that it is a new entity being supported by the owners of Tek-Hut, Inc. an Idaho company since 2001. LXI has submitted financial statements from Tek-Hut as proof of financial stability. The Company affirms that it has reviewed all of the Commission rules and agrees to comply with these rules.

STAFF COMMENTS

Staff has reviewed the Application of LXI for compliance with applicable legal requirements for acquiring a CPCN, including the Commission's Procedural Order No. 26665 that sets forth the information that must be included in an application.¹ Staff believes that the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services. Staff, therefore, recommended Commission approval of the Application for a Certificate of Public Convenience and Necessity subject to the following conditions:

1. The Company complies with number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No 30425;
2. LXI provides necessary reports and contributes as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, Idaho Telecommunications Service Assistance Program, and complies with all future reporting requirements deemed appropriate by the Commission for competitive telecommunication providers;
3. Prior to issuance of the Certificate, LXI files a final price list with all its rates, terms, and conditions with the Commission; and
4. LXI will 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.

COMMISSION FINDINGS

Based on our review of the filing and the record in this case, the Commission finds that the Company's filing satisfies the requirements of the Commission Rule 114. Thus, we approve LXI's Application for a Certificate of Public Convenience and Necessity to recognize the Company will provide telecommunications services within the State of Idaho, subject to the conditions noted above, including its compliance with number pooling and reporting requirements of the North American Numbering Plan Administrator. As a local exchange service provider, LXI shall report and contribute to the Idaho Universal Service Fund, the Idaho Telecommunications Relay System, and the Idaho Telecommunications Service Assistance Program, and comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers.

¹Application requirements are also contained in Commission Rule of Procedure 114, IDAPA 31.01.01.114.

If LXI is not providing local exchange service within one year of receiving its Certificate, LXI shall relinquish its Certificate and return its telephone numbers to NeuStar.

ORDER

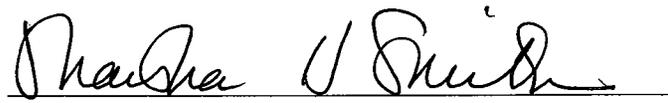
IT IS HEREBY ORDERED that LXI-CLEC, LLC is granted a Certificate of Public Convenience and Necessity to provide competitive telecommunications services within the State of Idaho, subject to the conditions listed above. The Commission will issue a Certificate of Public Convenience and Necessity to LXI only after it files its completed price lists.

IT IS FURTHER ORDERED that if LXI is not providing local exchange service within one year of receiving its Certificate, LXI shall surrender its Certificate and return its telephone numbers to the North American Numbering Plan Administrator.

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 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. *Idaho Code* §§ 61-626 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26th day of August 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Barbara Barrows
Assistant Commission Secretary

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