

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF MILLENNIUM NETWORKS, LLC FOR A)	CASE NO. MNL-T-09-01
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE LOCAL)	
EXCHANGE TELECOMMUNICATIONS)	ORDER NO. 31027
SERVICES.)	

On November 23, 2009, Millennium Networks, LLC filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to provide telecommunications services to residential and commercial subscribers in the State of Idaho. On February 5, 2010, the Commission issued a Notice of Application and Notice of Modified Procedure that set a comment deadline of February 26, 2010. Order No. 30997. Only the Staff filed comments. After reviewing the Application and comments, we grant the Company's request for a CPCN.

THE APPLICATION

Millennium Networks' Application states that the Company intends to provide voice over Internet protocol (VoIP) telecommunications services to residential and commercial subscribers. The Company states that it is a facilities-based provider that will provide services from Soda Springs, Idaho, and that it has the necessary equipment to provide services immediately after a Certificate is granted. The Company maintains that its service will compete with Qwest Corporation and has already negotiated an interconnection agreement with Qwest through its affiliate Silver Star Communications.

Millennium Networks is a limited liability company created under the laws of Wyoming and wholly owned by Silver Star Telephone Company, Inc. The Company is registered to do business in the State of Idaho as a foreign limited liability company. The Company identifies Aaron Jenkins as its registered agent for service of process.

STAFF COMMENTS

Staff reviewed the Application and believes the Company understands and agrees to comply with applicable Commission rules and requirements. Furthermore, the information contained in the Application satisfies the Commission's rules and requirements. *See* Procedural Order No. 26665; IDAPA 31.01.01.111. Staff believes the Company possesses the requisite

financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services.

Staff noted that to date the Federal Communications Commission (FCC) has not made a clear determination of the regulatory status of interconnected VoIP services. It thus remains unclear whether fixed-location (non-nomadic) interconnected VoIP telecommunications offerings currently are properly classified as telecommunications services or information services as defined in the Telecommunications Act of 1934, as amended by the Telecommunications Act of 1996. If the FCC were to determine that interconnected VoIP offerings are information services or if the FCC were to preempt state regulation of all VoIP services, those services would not be subject to regulation by this Commission. Absent such a classification by the FCC, Staff believes that approval of Millenium's Application is consistent with the Commission's obligation, under state and federal statutes, to promote competition in telecommunications services, including basic local exchange service. Because interconnected fixed VoIP service is functionally equivalent to circuit switched local exchange services, Staff believes granting this Application for a CPCN would encourage competition within Idaho. Staff recommended approval of the Application for a Certificate of Public Convenience and Necessity subject to the following: Millenium (1) complies with the Number Pool Administrator and Idaho Commission Order No. 30425 mandating number resource utilization/forecast (NRUF) reporting requirements; (2) contributes to the Idaho Universal Service Fund (USF), Idaho Telecommunications Relay Service (TRS), Idaho Telephone Service Assistance Program (ITSAP), and complies with any future reporting requirements deemed appropriate for competitive telecommunications providers; (3) upon CPCN approval, files a final and complete price list with the Commission containing all of its service rates, terms and conditions; and (4) agrees to relinquish its Certificate and any telephone numbers if it is not doing business within one year of issuance of its CPCN.

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's Rules and Procedural Order No. 26665. The Commission therefore approves Millennium's Application for a Certificate of Public Convenience and Necessity to allow the Company to provide telecommunications services within the State of Idaho subject to its compliance with the Number Pool Administrator requirements; it contributes to the USF, TRS, and ITSAP; it complies with any future reporting

requirements deemed appropriate; and that Millenium relinquishes its Certificate and telephone numbers if the Company is not doing business within one year of issuance of its CPCN.

ORDER

IT IS HEREBY ORDERED that Millennium Networks, LLC is granted a Certificate of Public Convenience and Necessity to provide competitive telecommunications services within the State of Idaho as conditioned in the body of this Order.

IT IS FURTHER ORDERED that Millennium file a final and complete price list with the Commission containing all of its rates, terms and conditions no later than fourteen (14) days from the service date of this Order.

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.

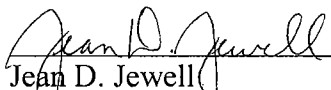
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 17th day of March 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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