

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION
OF NEXUS COMMUNICATIONS, INC.) CASE NO. NCI-T-11-01
FOR DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER IN) NOTICE OF APPLICATION
IDAHO)
)
) NOTICE OF
) MODIFIED PROCEDURE
)
)
) ORDER NO. 32717**

YOU ARE HEREBY NOTIFIED that on April 6, 2011, Nexus Communications, Inc. (“Nexus” or “Company”) filed an Application, pursuant to 47 U.S.C. § 214(e)(6) of the Communications Act of 1934 (“the Act”), 47 C.F.R. § 54.201 *et seq.*, and Order No. 29841, seeking designation as an eligible telecommunications carrier (“ETC”) in the State of Idaho for the sole purpose of receiving Lifeline/Link-up (“Low-Income”) support.

YOU ARE FURTHER NOTIFIED that Nexus also filed amendments to its original Application describing how it will comply with the new requirements in the Federal Communication Commission’s (“FCC”) rules for the Lifeline Universal Service program instituted by the FCC’s November 18, 2011 (“Connect America Fund Order”) and February 6, 2012 (“Lifeline Reform Order”) Orders.

YOU ARE FURTHER NOTIFIED that Nexus is an Ohio corporation with its principal place of business in Lewis Center, Ohio. Nexus has been issued a Certificate of Authority by the Idaho Secretary of State.

YOU ARE FURTHER NOTIFIED that Nexus states that it will not seek or accept federal high-cost support. The Company included a list of the wire centers it intends to operate in Idaho. The Company asserts that it has received ETC designation in 20 states. Nexus states that it will serve its Idaho consumers through wireless technology, i.e., commercial mobile radio service (“CMRS”).

YOU ARE FURTHER NOTIFIED that Nexus will provide its supported services (voice grade access, local usage, dual tone multi-frequency signaling or functional equivalent, single party service or functional equivalent, access to emergency, operator, and interexchange services, access to directory assistance, and toll limitation for qualifying low-income consumers)

NOTICE OF APPLICATION
NOTICE OF MODIFIED PROCEDURE
ORDER NO. 32717

through a combination of its own facilities or through the resale of another carrier's services. Nexus believes that approval of its Application for an ETC in Idaho is in the public interest because the Company will provide increased access to basic telecommunications services for low-income individuals.

YOU ARE FURTHER NOTIFIED that in its amended Application Nexus declared that it has received a forbearance from the Facilities Requirement of Section 47 U.S.C. § 214(e)(1)(A) conditioned upon FCC approval of a compliance plan.

YOU ARE FURTHER NOTIFIED that on December 31, 2012, the Company submitted its Third Amended Compliance Plan filed with the FCC and the Public Notice announcing the FCC Wireline Competition Bureau's acceptance of Nexus' Compliance Plan.

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

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5918

Steven Fenker, President
Nexus Communications, Inc.
3629 Cleveland Ave., Suite C
Columbus, OH 43224
E-mail: Sfenker1@earthlink.net

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 address 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 Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The 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 and specifically *Idaho Code* §§ 62-610D. The Commission may enter any final Order consistent with its authority under Title 62.

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 this Application will 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 22nd
day of January 2013.


PAUL KJELLANDER, PRESIDENT


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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