

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF NEXUS COMMUNICATIONS, INC.</b>	)	<b>CASE NO. NCI-T-11-01</b>
<b>FOR DESIGNATION AS AN ELIGIBLE</b>	)	
<b>TELECOMMUNICATIONS CARRIER</b>	)	<b>ORDER NO. 32775</b>
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On April 6, 2011, Nexus Communications, Inc. (“NCI” 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. *Application* at 1.

On September 27, 2012, the Company filed amendments to its original Application describing how NCI 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.

On January 22, 2013, the Commission issued a Notice of Application and Modified Procedure with a 21-day comment period. *See* Order No. 32717.<sup>1</sup> Commission Staff (“Staff”) was the only party to submit written comments regarding the Company’s Application.

### THE APPLICATION

NCI is an Ohio corporation with its principal place of business in Lewis Center, Ohio. *Id.*, Exh. B. NCI has been issued a Certificate of Authority by the Idaho Secretary of State. *Id.*, Exh. C. In its Application, the Company states that it will not seek or accept high-cost support. *Id.* The Company included its proposed designated service area in Idaho. *Id.*, Exh. A. The Company has already received ETC designation in 20 states. *Id.* at 2. NCI states that it will serve its Idaho consumers through wireless technology, i.e., commercial mobile radio service (“CMRS”). *Id.*

NCI will provide its supported services (Voice Grade Access, Local Usage, Dual Tone Multi-Frequency Signaling or Functional Equivalent, Single Party Service or Functional

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<sup>1</sup> The established comment period was subsequently extended to March 20, 2013, pursuant to Order No. 32749. Staff was the only party to submit comments regarding the Company’s Application.

Equivalent, Access to Emergency, Operator, and Interexchange Services, Access to Directory Assistance, and Toll Limitation for Qualifying Low Income Consumers) through a combination of its own facilities or through the resale of another carrier's services. *Id.* at 4-6. NCI believes that approval of its Application is in the public interest because the Company will provide increased "access to basic telecommunications services for low-income individuals. . . ." *Id.* at 9.

In its Amended Application, NCI declared that it 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. *Amended Application* at 6. 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 NCI's Compliance Plan. The Company also filed a Second Amendment to its Application describing how it will comply with several new eligibility and certification requirements instituted by the FCC for the Lifeline Universal Service program.

#### **STAFF ANALYSIS AND RECOMMENDATION**

Staff has reviewed NCI's request for ETC designation in the 76 non-rural wire centers identified in Exhibit A of the Application along with the Company's FCC-approved Compliance Plan. Staff analyzed the Company's Application to verify compliance with the requirements of the federal Telecommunications Act of 1996, the Lifeline and Link-Up Reform and Modernization Order and Commission Order No. 29841.

Staff believes that the Application demonstrates the Company's commitment to fulfill the obligations of an ETC in Idaho. Staff believes that NCI will provide universal service supported by the federal USF throughout its service territory; the Company has addressed all of the public interest questions required by the Commission for an ETC application; the Company's compliance plan has been approved by the FCC; the Company will provide multiple pricing plans which will increase customer choice for low-income service in Idaho; and the Company demonstrates that it has the financial capability to provide lifeline service. Additionally, NCI confirms that it will make appropriate contributions to the ITSAP and IECA funds.

The Company states that it will provide all universal services supported by the federal USF throughout its territory; and the Company will provide multiple pricing plans which will increase customer choice for low-income service. Therefore, Staff believes NCI's Application

for designation as an ETC is in the public interest and should be approved for those wire centers listed in Exhibit A of the Company's initial Application.

### **COMMISSION FINDINGS AND DECISION**

The Commission has reviewed NCI's Application, attached exhibits and Staff comments. The Commission approves the Company's request for designation as a Lifeline-only ETC in Idaho in those wire centers listed in Exhibit A of its Application. Based upon our review of the Application and comments, we find that NCI's Application demonstrates a commitment to fulfill the obligations of a Lifeline-only ETC in Idaho.

The Commission finds that NCI will provide all universal services supported by the federal USF throughout its proposed service territory and has adequately addressed the public interest standards. We further find that granting ETC status to NCI "will benefit consumers by offering services of another competitor and may be beneficial to eligible recipients of Idaho's Telecommunications Service Assistance Program (ITSAP) or Lifeline service." Order No. 30360 at 8. We further find that NCI will contribute to the ITSAP and IECA funds.

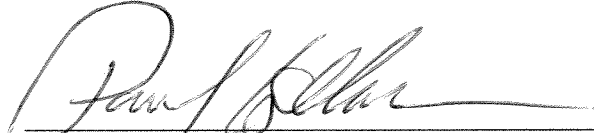
Therefore, the Commission hereby approves NCI's Application for Lifeline-only ETC designation so that it may receive support from the federal USF. We further find that it is appropriate to waive ETC reporting requirements related to the network improvement plan, progress reports, and usage certification of the high-cost funds.

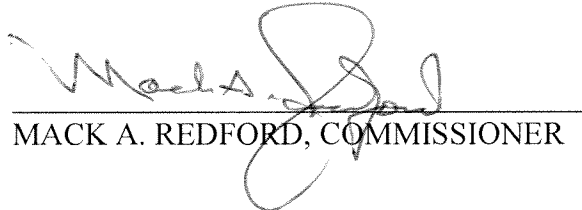
### **ORDER**

IT IS HEREBY ORDERED that the Application of Nexus Communications, Inc. for designation as an eligible telecommunications carrier (ETC) in Idaho is approved.

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.

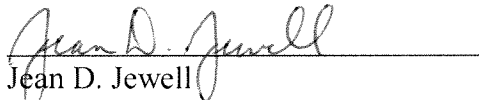
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 2<sup>nd</sup>  
day of April 2013.

  
PAUL KJELLANDER, PRESIDENT

  
MACK A. REDFORD, COMMISSIONER

  
MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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