

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL

DATE: JANUARY 10, 2013

SUBJECT: APPLICATION OF NEXUS COMMUNICATIONS, INC. FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER, CASE NO. NCI-T-11-01

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. *Application* at 1.

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

THE APPLICATION

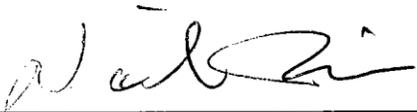
Nexus is an Ohio corporation with its principal place of business in Lewis Center, Ohio. *Id.*, Exh. B. Nexus has been issued a Certificate of Authority by the Idaho Secretary of State. *Id.*, Exh. C. In its Application, the Company states that it will not seek or accept high-cost support. *Id.* The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

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) through a combination of its own facilities or through the resale of another carrier's services. *Id.* at 4-6. 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. . . ." *Id.* at 9.

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. *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 Nexus' Compliance Plan.

COMMISSION DECISION

Does the Commission wish to process Nexus' Application for designation as an ETC through Modified Procedure with a corresponding 21-day comment period?



Neil Price
Deputy Attorney General

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