

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF NEW EDGE NETWORK, INC. DBA) **CASE NO. NEN-T-11-01**
EARTHLINK BUSINESS FOR A)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO) **ORDER NO. 32596**
PROVIDE LOCAL EXCHANGE)
TELECOMMUNICATIONS SERVICES)
)

On October 20, 2011, New Edge Network, Inc. dba EarthLink Business applied to the Commission for a Certificate of Public Convenience and Necessity (CPCN) authorizing the Company to provide resold and facilities-based local exchange telecommunications service to business customers in Idaho.¹ The Company then amended its Application on June 4, 2012. On June 19, 2012, the Commission issued a Notice of Application and Notice of Modified Procedure soliciting public input and setting a 21-day comment deadline. *See* Order No. 32574. Commission Staff filed the only comments in the case and supported the Company's Application. The Company did not reply.

The Commission has reviewed the record in this case. Based on that review, the Commission grants the Company's Application as follows.

THE APPLICATION

With its Application, New Edge seeks to provide wireline local telecommunications service including local exchange service and exchange access service. The Company primarily will provide local exchange service by reselling the services of other carriers. The Company says it also may provide facilities-based local exchange service using its own facilities, facilities leased from other carriers, or a combination of both. *Id.* at 1-2.

New Edge says it is a Delaware corporation that is authorized to do business in Idaho. The Company says it has no Idaho offices. It lists its principal place of business in Georgia, and says it is a wholly owned indirect subsidiary of EarthLink, Inc. *See* Application at 2-3, 5.

¹ The Company applied for a CPCN under *Idaho Code* §§ 61-526 through -528, IDAPA 31.01.01.111 (RP 111), and Procedural Order No. 26665. However, New Edge is a competitive local exchange carrier (CLEC) that is exempt from Title 61 regulation. *See Idaho Code* § 62-604(1)(a). RP 114, rather than RP 111, governs a CLEC's application for a certificate to provide local telecommunications services in Idaho.

New Edge proposes to service areas currently serviced by CenturyLink and Frontier. The Company says it does not seek to service areas currently serviced by small or rural carriers. *See* Amendment to Application at 1. The Company also says it is developing an Idaho marketing strategy using a professionally trained sales force, and that it will initiate interconnection negotiations once it receives its CPCN. *Id.* at 6-8.

New Edge says that if it decides to collect customer deposits, it will enter into an escrow agreement with a bonded escrow agent before offering service in Idaho, it will file the agreement with the Commission upon request, and it will comply with the Commission's rules regarding deposits. *Id.* at 8.

New Edge, through its parent company EarthLink, appears to possess the requisite financial resources to provide resold local exchange telecommunications service. The financial qualifications were presented in EarthLink's most recent SEC Form 10-Q. *See* Application at 6, Exhibit 5.

New Edge says it will comply with all applicable Idaho laws and Commission rules and regulations. *See* Verification attached to Application.

STAFF COMMENTS

Staff reviewed New Edge's Application for compliance with applicable legal requirements for acquiring a CPCN, including RP 114, which specifies the information that a CLEC must include in its application. Based on that review, Staff believes that New Edge understands and agrees to comply with the Commission's rules and requirements. Staff also believes New Edge possesses the requisite financial, managerial, and technical qualifications necessary to provide telecommunications services. Therefore, Staff recommended that the Commission issue a CPCN to New Edge, subject to the following conditions:

1. The Company must comply with all number pooling and reporting requirements of the North American Number Plan Administrator. *See* Commission Order No. 30425;
2. The Company must comply with all reporting and contribution requirements as prescribed by the Idaho Universal Service Fund, Idaho Telecommunications Relay System, Idaho Telecommunications Service Assistance Program; and
3. The Company must comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers.

DISCUSSION AND FINDINGS

Based on our review of the record, including the Company's filings and Staff's comments, we find that the Company's filings meet the requirements of RP 114. Thus, we approve the Company's Application for a CPCN to recognize that the Company will provide local exchange telecommunications services within Idaho, subject to the conditions set forth below.

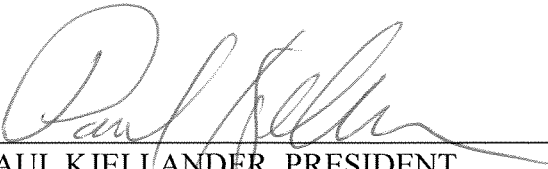
ORDER

IT IS HEREBY ORDERED that New Edge's Application for a CPCN is granted.

IT IS FURTHER ORDERED that New Edge's CPCN is subject to the following conditions: (1) The Company must comply with all number pooling and reporting requirements of the North American Number Plan Administrator (*see* Commission Order No. 30425; (2) the Company must comply with all reporting and contribution requirements as prescribed by the Idaho Universal Service Fund, Idaho Telecommunications Relay System, Idaho Telecommunications Service Assistance Program; (3) the Company must comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers; and (4) the Company must relinquish its certificate and all telephone numbers if, within one year of the issuance of a CPCN, the Company is not providing local exchange telecommunications services in Idaho.

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 20th
day of July 2012.


PAUL KJELLANDER, PRESIDENT


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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