

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	CASE NO. NEW-T-18-01
OF NEWMAX, LLC DBA INTERMAX)	
NETWORKS FOR DESIGNATION AS AN)	NOTICE OF APPLICATION
ELIGIBLE TELECOMMUNICATIONS)	
CARRIER)	NOTICE OF
)	MODIFIED PROCEDURE
)	
)	ORDER NO. 34220
)	

On November 5, 2018, Newmax, LLC dba Intermax Networks (“Intermax” or the “Company”) applied¹ to the Commission for an order designating it as an eligible telecommunications carrier (ETC) in Idaho. The Company asks to be an ETC in specific Idaho census block groups so it can receive funding it was provisionally awarded under the Federal Communications Commission (FCC) Connect America Fund Phase II Auction (CAF II Auction). With this Order, we provide notice of the Application and invite interested persons to comment on it.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED Intermax asserts that 47 U.S.C. § 214(e)(2), 47 C.F.R. §§ 54.201, *et seq.*, Idaho Commission Order No. 29841, and IDAPA 31.46.01 *et seq.*, govern its designation as an ETC.

YOU ARE FURTHER NOTIFIED Intermax participated in, and was provisionally selected as, a recipient of funds from the CAF II Auction. Intermax’s receipt of the funds is contingent on it meeting the FCC’s technical and financial qualifications, including obtaining ETC designation in Idaho. *Id.* at 2. Intermax states it must obtain designation as an Idaho ETC in specific eligible Census Block Groups by February 25, 2019, as set forth in Exhibit A to the Company’s Application.

YOU ARE FURTHER NOTIFIED Intermax states it is a facilities-based, locally-owned, independent Internet, voice, data, and IT Managed Services provider. Application at 3. It purports to provides a variety of “fixed terrestrial broadband services, including fiber, cable

¹ Intermax filed a Supplemental Statement on Local Usage Plans with the Commission on December 3, 2018.
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Internet, and fixed point to multi-point wireless broadband services,” and Voice over Internet Protocol (VoIP) technology. *Id.*

YOU ARE FURTHER NOTIFIED that Intermax claims it satisfies all FCC and Commission rules and requirements for ETC designation. Intermax claims it: (1) is a common carrier that will offer high-speed Internet access service and unlimited VoIP under local usage plans comparable to those offered by incumbent local exchange carriers; (2) can provide continuous universal services outlined in 47 C.F.R. § 54.101(a); (3) will advertise the availability of its universal service offering through media of general distribution; (4) will notify and engage Tribal governments according to 47 C.F.R. § 54.1004; (5) has demonstrated that ETC designation is consistent with the public interest, convenience, and necessity; (6) is committed to providing supported service based on the criteria in Order No. 29841; (7) has a reasonable amount of back-up power to operate without an external power source (with the ability to re-route traffic around damaged facilities or in emergency); and (8) will comply with annual reporting requirements set forth in Order No. 29841. *Id.* at 5 and the Supplemental Statement on Local Usage Plans.

YOU ARE FURTHER NOTIFIED that Intermax certifies that “all federal high-cost support provided to [it] for service areas in Idaho will be used for the provision, maintenance, and upgrading of facilities and services for which the support was intended, consistent with Section 47 U.S.C. § 254(c).” *Id.* at 9.

YOU ARE FURTHER NOTIFIED that the Application and attached exhibits have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. The Application and testimonies are also available on the Commission’s web site at www.puc.idaho.gov. Click on the “File Room” tab at the top of the page, scroll down to “Open Telecom Cases,” and then click on the case number as shown on the front of this document.

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 no later than January 8, 2019.** 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	Newmax, LLC dba Intermax Networks
Idaho Public Utilities Commission	Michael R. Kennedy, President
PO Box 83720	7400 N. Mineral Drive, Ste. 300
Boise, ID 83720-0074	Coeur d'Alene, Idaho 83815
	mkennedy@intermaxteam.com
Street Address for Express Mail:	
	Copy to:
472 W. Washington Street	Smith + Malek, PLLC
Boise, ID 83702-5918	601 E Front Avenue, Suite 304
	Coeur d'Alene, Idaho 83814
	caitlin@smithmalek.com

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 "Utility Case Comment or Question Form" under the "Consumers" tab. Complete the comment form using the case number as it appears on the front of this document and click "Submit."

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 Company shall file reply comments, if necessary, **no later than January 15, 2019.**

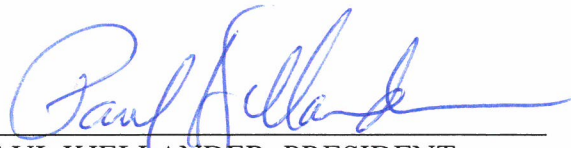
YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 62 of the Idaho Code and specifically *Idaho Code* §§ 62-610D, 62-615, and 62-622. The Commission may enter any final order consistent with its authority under Title 62.

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, and *Idaho Code* § 62-619.

ORDER

IT IS HEREBY ORDERED that this matter be processed by Modified Procedure, IDAPA 31.01.01.201-.204. Persons interested in submitting written comments in this matter must do so no later January 8, 2019. The Company may file reply comments by no later than January 15, 2019.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 19th day of December, 2018.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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