

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF NEW HORIZONS</b>	)	
<b>COMMUNICATIONS CORP.'S</b>	)	<b>CASE NO. NHC-T-12-01</b>
<b>APPLICATION FOR A CERTIFICATE OF</b>	)	
<b>PUBLIC CONVENIENCE AND NECESSITY</b>	)	
<b>TO PROVIDE LOCAL EXCHANGE</b>	)	
<b>TELECOMMUNICATIONS SERVICES</b>	)	<b>ORDER NO. 32774</b>
	)	

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On September 28, 2012, New Horizons Communications Corp. (the "Company") applied to the Commission for a Certificate of Public Convenience and Necessity (CPCN) authorizing it to provide resold and facilities-based local exchange telecommunications services in Idaho.<sup>1</sup> On March 5, 2013, the Commission issued a Notice of Application and Notice of Modified Procedure that solicited public input on the Application and set a March 26, 2013 comment deadline. *See* Order No. 32757. Commission Staff filed the only comments in the case and supported the Company's Application.

Having reviewed the record, we grant the Company's Application for a CPCN as set forth below.

**THE APPLICATION**

The Application states that the Company is a Delaware corporation with principal offices in Lexington, Massachusetts. The Company has no Idaho offices, but it has a registered agent in Idaho. The Application lists the Company's officers and directors and provides an address at which they can be reached. The Application indicates that the Company does not own or control any subsidiaries. The Application also says that no corporation, association, or organization holds a 5% or greater ownership or managerial interest in the Company. *See* Application at 1-3 and Exh. 1 and 2.

The Company says it intends to initially offer resold local exchange services and buy unbundled network elements provided by existing local exchange carriers ("LECs") CenturyTel North and CenturyTel South. *Id.* at 3. The Company says it has authority to provide

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<sup>1</sup> The Application attaches Exhibit Nos.: (1) Certificate of Incorporation, (2) Certificate of Authority to Transact Business in Idaho, (3) Financial Information, (4) Service Area Map, and (5) an Illustrative Tariff. On January 23, 2013, the Company replaced Exhibit No. 5 with a new tariff. On February 11, 2013, the Company replaced page 3 of the Application, and also filed new pages 29 and 33 to the replacement tariff. On March 26, 2013, the Company again replaced page 3 of the Application. This Order addresses the Application as modified by these replacement pages.

interexchange telecommunications services, and that it intends to provide all forms of intrastate local exchange telecommunications services. *Id.* at 3-4. The Company says it has no plans to install facilities in Idaho, but that it may do so in the future. *Id.* at 3. If it does, it likely would provide voice and high-speed data services through a combination of switching and transport media. The switching system would include a central processing and control complex that can interconnect as a peer to both incumbent and competitive LECs. *Id.* at 4. The switch's hub would interconnect with the public switched network on Signaling System 7 or Feature Group D facilities. The system's remote module capability would allow the Company to serve properties and exchange signaling, control and calling/caller information to the network per network standards and specifications. The Company would also deliver these services using a combination of delivery mechanisms through incumbent LECs' unbundled loop network, copper and fiber and transport networks, and via Company-constructed facilities. *Id.*

The Company proposes to serve areas that are served by incumbent LECs that are ineligible for a small or rural carrier exemption. *Id.* at 4. The Company's Application includes a map of the Company's proposed territory. *Id.* at 5, Exh. 4.

The Company says it has initiated interconnection negotiations with Qwest. *Id.* at 6. The Company says it will file its proposed tariff and begin providing service once it has finalized its interconnection agreements and received its CPCN. *Id.* at 5. The Company says it has reviewed and will comply with all Commission rules. *Id.* at 3.

#### **THE COMMENTS**

Staff reviewed the Company'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 the Company understands and agrees to comply with the Commission's rules and requirements. Staff also believes the Company possesses the requisite financial, managerial, and technical qualifications necessary to provide local exchange telecommunications services. Therefore, Staff recommended the Commission issue a CPCN to the Company, subject to the following conditions:

1. The Company must comply with the number pooling and reporting requirements of the North American Numbering Plan Administrator (NANPA).<sup>2</sup>
2. The Company must comply with all reporting and contribution requirements of Idaho's Universal Service Fund (USF; *Idaho Code* § 62-610; IDAPA 31.46.01), Telecommunications Relay Services (TRS) program (*Idaho Code* § 61-1304; IDAPA 31.46.02); and Telecommunications Service Assistance (TSA) program (*Idaho Code* § 56-904);<sup>3</sup>
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 Application and Staff's comments, we find that the Company's Application complies with RP 114. Thus, we approve the Company's Application for a CPCN to provide local exchange telecommunications services within Idaho, subject to the following conditions: (1) the Company must comply with the NANPA's number pooling and reporting requirements; (2) the Company must comply with all reporting and contribution requirements of Idaho's USF, TRS program, and TSA program; (3) the Company must comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers; (4) before the Commission issues the CPCN, the Company must file a final price list with all rates, terms, and conditions;<sup>4</sup> and (5) 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.<sup>5</sup>

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<sup>2</sup> See Commission Order No. 30425.

<sup>3</sup> See Commission Order Nos. 32637, 32524, and 32526.

<sup>4</sup> See IDAPA 31.01.01.133 and Commission Order No. 26665 at 10.

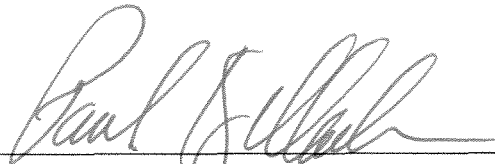
<sup>5</sup> "'Basic local exchange service' means the provision of access lines to residential and small business customers with the associated transmission of two-way interactive switched voice communication within a local exchange calling area." *Idaho Code* § 62-603(1).

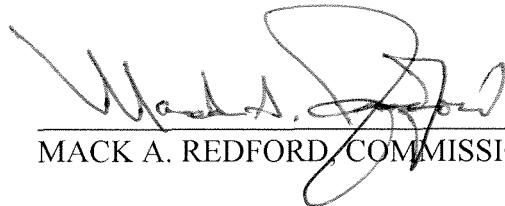
## ORDER

IT IS HEREBY ORDERED that the Company's Application for a CPCN is granted subject to the above conditions.

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.*

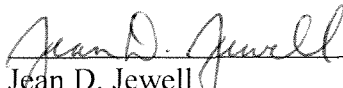
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 2<sup>nd</sup> day of April 2013.

  
PAUL KJELLANDER, PRESIDENT

  
MACK A. REDFORD, COMMISSIONER

  
MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

O:NHC-T-12-01\_kk2