

KARL T. KLEIN
DEPUTY ATTORNEY GENERAL
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0312
IDAHO BAR NO. 5156

RECEIVED
2013 MAR 26 AM 11:52
IDAHO PUBLIC
UTILITIES COMMISSION

Street Address for Express Mail:
472 W. WASHINGTON
BOISE, IDAHO 83702-5918

Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF NEW HORIZONS)
COMMUNICATIONS CORP.'S APPLICATION) **CASE NO. NHC-T-12-01**
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
PROVIDE LOCAL EXCHANGE) **COMMENTS OF THE**
TELECOMMUNICATIONS SERVICES.) **COMMISSION STAFF**
)

The Staff of the Idaho Public Utilities Commission comments as follows on New Horizons Communications Corp.'s Application for a Certificate of Public Convenience and Necessity.

BACKGROUND

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.¹

¹ 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.

According to the Application, 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.

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. Staff submits these comments pursuant to that Order.

STAFF ANALYSIS

In its original Application, the Company noted that it intends to initially offer resold local exchange services and buy unbundled network elements provided by Qwest. Staff contacted the Company's consultant and explained that Qwest is now CenturyLink. Following this discussion, the Company corrected its Application and pricelist by changing all Qwest notations to CenturyLink. However, when the corrections were made the Application also said that the Company would buy unbundled network elements from CenturyTel North and CenturyTel South. *Id.* at 3. Staff advised the consultant that these names should also be changed to CenturyLink. The correction was made.

The Company says it has authority to provide 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. The Company would also deliver these services using a combination of delivery mechanisms through incumbent LECs' unbundled loop networks, 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 and will file its proposed tariff and begin providing service once it has finalized its interconnection agreements and

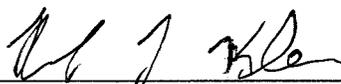
received its CPCN. *Id.* at 5. The Company says it has reviewed and will comply with all Commission rules. *Id.* at 3.

STAFF RECOMMENDATION

Staff has reviewed the Company's Application and believes that the Company understands and agrees to comply with Commission's rules and requirements, including Commission Rule of Procedure 114. Staff also believes the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services. Staff thus recommends that the Commission approve the Application and issue a CPCN to the Company, subject to the following conditions:

1. The Company must comply with all number pooling and reporting requirements of the North American Numbering 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, and 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.

Respectfully submitted this 26th day of March 2013.



Karl T. Klein
Deputy Attorney General

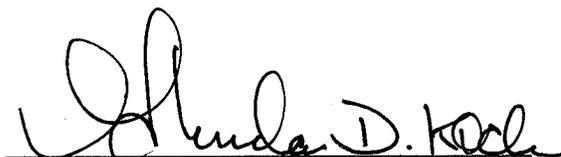
Technical Staff: Carolee Hall

i:umisc/comments/nhct12.1kkch comments

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 26TH DAY OF MARCH 2013, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. NHC-T-12-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

LANCE JM STEINHART PC
STE 150
1725 WINDWARD CONCOURSE
ALPHARETTA GA 30005


SECRETARY