

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF ONVOY, INC. DBA ONVOY VOICE)	CASE NO. OVS-T-12-02
SERVICES FOR A REGISTRATION/)	
CERTIFICATION AS A WHOLESALE)	
PROVIDER OF TELECOMMUNICATIONS)	ORDER NO. 32576
SERVICES)	

On April 10, 2012, Onvoy, Inc. dba Onvoy Voice Services (the “Company”) applied for a registration/certification as a wholesale provider of telecommunications service in Idaho. *See* Application at 1 (citing Commission Order No. 32277 in Case No. GNR-T-11-01, Commission Rule of Procedure (“Rule” or “RP”) 114, and Title 62 of the *Idaho Code*). The Company amended its Application on May 4, 2012 to include additional information about its subsidiaries and proposed services. *See* Amendment to Application.

On May 22, 2012, the Commission issued a Notice of Application and Notice of Modified Procedure with a 21-day comment period. *See* Order No. 32556. Commission Staff (“Staff”) was the only party to submit written comments within the established comment period.

With this Order, the Commission approves the Company’s Application.

THE APPLICATION

With this Application, the Company seeks registration/certification as a wholesale telecommunications services provider. The Company describes itself as a “competitive telecommunications company that intends to offer intrastate telecommunications services for commercial and wholesale customers statewide. *See* Amendment to Application. The Company says “[s]uch services may include, but will not be limited to, wholesale local exchange and long distance, competitive tandem switching, switched access and other access services, transit, intrastate PRI service, direct inward dialing and SS7 services.” *Id.* The Company identifies itself as a Minnesota corporation, lists its principal business address in Minneapolis, Minnesota, and says it does not maintain an Idaho place of business. The Company says it is registered with the Idaho Secretary of State as a foreign corporation. It lists CT Corporation System, 1111 West Jefferson, Suite 350, Boise, ID 83702 as its Idaho registered agent for service. The Company says it is a wholly owned subsidiary of Zayo Group Holdings, Inc., a Delaware Corporation, and

it outlines its corporate structure and lists information for its subsidiaries, officers, and directors. *Id.* at 1-2, Exhibits 1-4; Amendment to Application.

In the Application, the Company says it has not begun to negotiate any interconnection agreements, but that it will do so as necessary upon being granted authority by the Commission. The Company represents that it will seek Commission approval of any ensuing interconnection agreements. Application at 4. The Company provides contact information for customer complaints and for Commission inquiries regarding price lists, tariffs, and general questions. *Id.* at 3-4.

In the Application, the Company agrees to comply with all of the Commission's rules and procedures. *Id.* The Company also acknowledges that "to the extent [it] has telephone number resources in Idaho, [it] shall be subject to numbering conservation measures including mandatory one thousand (1,000) block pooling." *Id.* at 5.

THE COMMENTS

Staff reviewed the Company's Application to determine whether the Application meets the requirements specified in Order No. 32277. In that Order, the Commission states that it will register a telecommunications company as a wholesale provider of telecommunications services in Idaho *if* the company: (1) does not intend to provide basic local exchange service, *and* (2) completes an application describing the company's (a) name, address, and form of business, (b) tariff and customer contact information, (c) interconnection agreements, and (d) intent to comply with Commission rules including telephone numbering-conservation measures. *See* Order No. 32277 (citing RP 114 Sections 1, 5-8).

Based on its review, Staff believes that the Company's Application meets these requirements. Staff also believes that the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services. Accordingly, Staff recommended that the Commission approve the Company's Application, subject to the following conditions:

1. The Company must comply with all number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
2. The Company must provide all necessary reports and contribute as appropriate to the Idaho Universal Service Fund, Idaho

Telecommunications Relay System, and the 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.

COMMISSION FINDINGS AND DECISION

In Case No. GNR-T-11-01, the Commission “opened a docket to investigate whether some sort of certification process is appropriate for Title 62 telecommunications providers that do not provide basic local exchange service.” Order No. 32277 at 2. The Commission received written comments from telecommunications providers, Qwest Communications Company, LLC, 360networks (USA), Inc., AT&T Communications of the Mountain States, Inc., TWCIS, and Commission Staff. The parties recommended that the Commission institute a certification or registration process to allow wholesale telecommunications providers that provide service that does not meet the definition of basic local exchange service “to be recognized as eligible to provide services in Idaho.” *Id.* at 3.

Accordingly, the Commission ruled that “registration or certification of telecommunications companies that do not provide basic local exchange service, as defined by state law, is necessary to enable those companies to access important rights or privileges identified in the federal Telecommunications Act as they enter the telecommunications markets in Idaho.” *Id.* at 8. “Telecommunications companies that do not intend to provide basic local exchange service but request Commission registration may file an application pursuant to Rule 114, with minor modification to eliminate information required by the Rule relating to retail basic local exchange service.” *Id.* “A company that completes the application process as required in Rule 114, Section 1 and Sections 5 through 8, will be recognized by the Commission as having successfully registered as a wholesale provider of telecommunications services in Idaho.” *Id.*

The Commission finds that the Company is a wholesale telecommunications provider and has demonstrated a willingness and commitment “to adhere to number pooling and reporting requirements to assist the Commission in preserving numbers.” Order No. 32277 at 8. Based upon our review of the Company’s Application and the record in this case, we find that the

Company's filing comports with RP 114 and Order No. 32277. Therefore, we approve the Company's Application, subject to specific conditions more fully described below.

ORDER

IT IS HEREBY ORDERED that the Company's Application is approved.

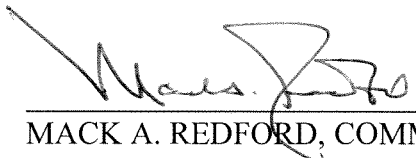
IT IS FURTHER ORDERED that the Company's certification as a wholesale provider of telecommunications services in Idaho is subject to the following conditions: (1) the Company must comply with all number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425; (2) the Company must provide all necessary reports and contribute as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, and the 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.

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 19th
day of June 2012.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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