

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF PRIEST RIVER TELECOM, LLC FOR A)	CASE NO. PRI-T-10-01
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE LOCAL)	
EXCHANGE SERVICES WITHIN THE)	ORDER NO. 33662
STATE OF IDAHO.)	

On November 2, 2016, Commission Staff moved to dismiss as moot the Application of Priest River Telecom, LLC (Priest River, the Company) to become a local exchange carrier (CLEC) in Idaho and obtain a Certificate of Public Necessity (CPCN). *See* Motion to Dismiss for Mootness. The Company did not answer the Motion. Having reviewed the record, the Commission grants Staff's request to dismiss this case for mootness as set out in greater detail below.

BACKGROUND

On March 25, 2010, the Company applied to become an Idaho CLEC and obtain a CPCN. *See* IDAPA 31.01.01.114 (Rule 114). At that time, Priest River was effectively incorporated and registered through the Idaho Secretary of State's office.

In its Application, the Company included an income statement and balance sheet from 2009, as well as a model tariff and price list. However, Commission Staff determined that the Application was incomplete and the illustrative tariff was deficient under Rule 114. Therefore, Staff attempted to communicate with the Company's owner and managing member, Corey George. Mr. George did not respond to Staff's inquiries and all subsequent and recent attempts at contact have failed and, as a result, there has been no activity related to the case for approximately five years.

The Company last filed an Annual Report with the Idaho Secretary of State's office on March 24, 2010. The Company was administratively dissolved by the Idaho Secretary of State on April 11, 2011, after not filing proper reports and is not legally registered to do business in Idaho.

STAFF'S MOTION TO DISMISS

As a result of the Company's lack of response to Staff's inquiries, the age and inactivity of the case and the administrative dissolution of the Company, Staff asserted that there is no need for the Commission to further consider the Company's pending CLEC Application.

Staff argued that a case is "moot when 'the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.'" *Idaho Sch. For Equal Educ. Opportunity v. Idaho State Bd. Of Educ.*, 128 Idaho 276, 281, 912 P.2d 644, 649 (1996) (quoting *Bradshaw v. State*, 120 Idaho 429, 432, 816 P.2d 989 (1991)). Staff stated that Priest River's CLEC Application was inadequate when filed. Further, the Application is now over five years old, contains outdated and insufficient information, and the case docket has been inactive for much of that time. Further, Staff stated the Company is no longer a registered, active business association in Idaho. Finally, any and all attempts at contacting the Company by Staff have failed, and no response to notice provided under Staff's Motion was received.

Based on the foregoing, Staff requested that the Commission dismiss this case without prejudice on the grounds that the case has become moot.

DISCUSSION AND COMMISSION FINDINGS

We find that the Company's Application is moot because it is no longer a registered business association under Idaho law, is not actively pursuing its pending Application, is uncommunicative with Staff related to the Application, and did not respond to Staff's Motion.


Based on the foregoing, we find it reasonable to close this case by granting Staff's Motion.

ORDER

IT IS HEREBY ORDERED that Staff's Motion to Dismiss Case No. PRI-T-10-01 for mootness is granted and the Company's Application is dismissed without prejudice.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. For purposes of filing a petition for reconsideration, this order shall become effective as of the service date. *Idaho Code* § 61-626. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See id.*


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 6th
day of December 2016.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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