

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF TALK AMERICA)
SERVICES, LLC’S APPLICATION FOR A) CASE NO. TAL-T-14-01
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE RESOLD) NOTICE OF APPLICATION
LOCAL EXCHANGE AND)
INTEREXCHANGE SERVICES) NOTICE OF
) MODIFIED PROCEDURE
)
) ORDER NO. 33268

On September 19, 2014, Talk America Services, LLC (Talk America) applied to the Commission for a Certificate of Public Convenience and Necessity (CPCN) authorizing it to provide resold local exchange and interexchange telecommunications services in Idaho. With this Order, the Commission solicits public input on the Application and orders the case be processed under the Commission’s Rules of Modified Procedure.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that Talk America is a Delaware limited liability company, authorized to do business in Idaho. Application at 5, Exhibit C. Its principal place of business is in Little Rock, Arkansas. *Id.* at 5. Talk America is a subsidiary of Communications Sales & Leasing, Inc. (CSL), a Maryland corporation, which is also Talk America’s sole member. *Id.*

YOU ARE FURTHER NOTIFIED that Talk America proposes to “provide resold local exchange, resold interexchange and broadband telecommunications services to residential customers” currently subscribed to Windstream Holdings, Inc. (Windstream). *Id.* at 1-2.

YOU ARE FURTHER NOTIFIED that Talk America’s Application is part of or related to a corporate transaction involving Windstream and CSL. *Id.* at 1-2. In that transaction, Windstream will divide into an operating unit (providing telecommunications and related services), and a real estate investment trust (holding title to distribution plant assets). *Id.* at 2. The investment trust’s assets, which include copper, fiber, and real estate assets, will be transferred to CSL which will then lease the assets back to Windstream on a long-term basis. *Id.* at 2. If the Commission approves Talk America’s Application, Windstream intends to “transfer

all of [its operating unit's] residential local exchange and long distance customers to [Talk America]." *Id.* at 2.

YOU ARE FURTHER NOTIFIED that Talk America seeks authority to provide local exchange services, and intends to provide interexchange services, to and from all points in the State of Idaho. *Id.* at 6. Talk America "will initially only resell the services [offered by Windstream], and in the future will amend its certification if it decides to offer services as a facilities based provider." *Id.* at 3. Talk America does not intend to construct any new facilities in Idaho at this time. *Id.* Its network "will consist of leased facilities provided by other carriers." *Id.* Talk America intends to "provide services at the same rates and under the same terms and conditions" as they are currently provided by Windstream. *Id.* at 7, Exhibit E.

YOU ARE FURTHER NOTIFIED that Exhibit A to the Application describes Talk America's management team's background and experience. Talk America also provided its formation documents. Exhibit B. Talk America asserts that its financial information provided in Exhibit D is exempt from public disclosure per Commission Rule 67. IDAPA 31.01.01.067.

YOU ARE FURTHER NOTIFIED that Talk America "agrees to comply with all applicable Idaho laws and Commission rules and regulations." Application at 8, Exhibit F.

YOU ARE FURTHER NOTIFIED that the Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The Application is 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 Telephone Cases," and then click on the case number TAL-T-14-01.

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 **by no later than April 28, 2015**. 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	Jean L. Kiddoo
Idaho Public Utilities Commission	Russell M. Blau
PO Box 83720	Jeffrey R. Strenkowski
Boise, ID 83720-0074	Bingham McCutchen LLP
	2020 K Street, N.W.
Street Address for Express Mail:	Washington, DC 20006
	E-mail: jean.kiddoo@bingham.com
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Boise, ID 83702-5918	jeffrey.strenkowski@bingham.com

Jeffery W. Small, Senior Vice President
Corporate Development and Operations
Talk America Services, LLC
4001 N. Rodney Parham Road
Little Rock, AR 72212
E-mail: jeffery.w.small@windstream.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 “Case Comment Form” under the “Consumers” tab, and complete the comment form, using the case number as it appears on the front of this document. These comments must also be sent to the Applicant at the e-mail addresses listed above.

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 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* §§ 62-604, 62-615, and 62-622. The Commission may enter any final Order consistent with its authority under Title 62 and Commission Rule of Procedure 114, IDAPA 31.01.01.114.

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; *Idaho Code* § 62-619.

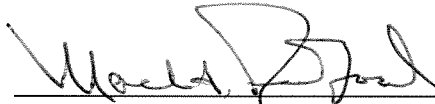
ORDER

IT IS HEREBY ORDERED that this Application be processed under Modified Procedure, IDAPA 31.01.01.201-.204. Persons interested in submitting written comments must do so by April 28, 2015.

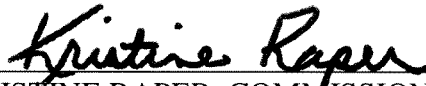
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 7th day of April 2015.



PAUL KJELLANDER, PRESIDENT

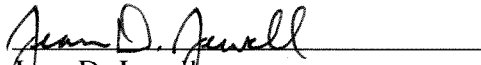


MACK A. REDFORD, COMMISSIONER



KRISTINE RAPER, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

O:TAL-T-14-01_djh