

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF TC SYSTEMS, INC. FOR)	CASE NO. TCS-T-11-01
REGISTRATION AS A WHOLESALE)	
TELECOMMUNICATIONS PROVIDER IN)	ORDER NO. 32480
IDAHO)	

On November 22, 2011, TC Systems, Inc. (“TCS” or “Company”) filed an Application, pursuant to modified Commission Rule 114, IDAPA 31.01.01.114, as clarified in Procedural Order No. 32277 in Case No. GNR-T-11-01, to be recognized by the Commission as a telecommunications company that does not intend to provide basic local exchange service. *Application* at 1.

On January 19, 2012, the Commission issued a Notice of Application and Notice of Modified Procedure establishing a 21-day comment period. *See* Order No. 32442. Commission Staff was the only party to submit written comments within the established comment period.

THE APPLICATION

TCS is a Delaware corporation and lists its principal place of business as Bedminster, New Jersey. *Id.* at 1. TCS is registered with the Idaho Secretary of State as a foreign corporation and lists CT Corporation System, 111 W. Jefferson, Suite 530, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* at 2, Exhibit 2.

In its Application, TCS stated that it is a “competitive telecommunications company that intends to offer wholesale transport service to one of its affiliates in the state of Idaho.” *Id.* at 1. TCS also advised that it “has contacted CenturyLink and will initiate interconnection negotiations upon submission of this application.” *Id.* at 4. The Company “has reviewed the Commission’s rules governing telecommunications services in Idaho” and commits to providing “service in accordance with these rules to the extent they are not preempted by the Federal Act.” *Id.* The Company also “acknowledges that as a non-paging telecommunications carrier in the State of Idaho, Applicant will be subject to numbering conservation measures, including mandatory one thousand (1,000) block pooling, pursuant to Commission Order No. 30425.” *Id.*

STAFF COMMENTS AND RECOMMENDATION

Staff reviewed TCS' Application for compliance with the applicable legal requirements to be registered as a wholesale provider of telecommunications services in Idaho. Staff believes that the Company understands and agrees to comply with Commission Rules of Procedure 114 and Commission Order No. 32277. Staff also believes that the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services.

Staff recommended Commission approval of TCS' Application to register as a Wholesale Telecommunications Provider in Idaho, subject to the following conditions:

1. TCS should comply with all number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
2. TCS should 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 comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers.

COMMISSION FINDINGS AND DECISION

Recently, the Commission "opened a docket [GNR-T-11-01] 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 several telecommunications companies operating in Idaho. 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.

The Commission ultimately 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 TCS 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 TCS’ Application and the record in this case, the Commission finds that TCS’ filing comports with Commission Rule of Procedure 114 and Order No. 32277. Therefore, the Commission approves TCS’ Application for Certification as a Wholesale Telecommunications Provider in Idaho, subject to specific conditions more fully described below.

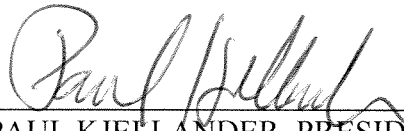
ORDER

IT IS HEREBY ORDERED that the Application of TC Systems, Inc. for Certification as a Wholesale Telecommunications Provider in Idaho is approved.

IT IS FURTHER ORDERED that TCS’ Certification shall be subject to the following conditions: (1) TCS shall comply with all number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425; (2) TCS shall 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) TCS shall 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 6th
day of March 2012.



PAUL KJELLANDER, PRESIDENT

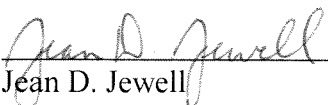


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary