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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF TNCI OPERATING)
COMPANY LLC'S APPLICATION FOR A) CASE NO. TOC-T-13-01
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE LOCAL) COMMENTS OF THE
EXCHANGE AND EXCHANGE ACCESS) COMMISSION STAFF
TELECOMMUNICATIONS SERVICES.)**

BACKGROUND

On April 30, 2013, TNCI Operating Company LLC ("TNCI-OpCo" or "Company") applied to the Commission for a Certificate of Public Convenience and Necessity ("CPCN") authorizing the Company to provide resold and facilities-based local exchange and exchange access telecommunications services in Idaho. On May 7, 2013, the Company amended the Application by filing revised price lists.¹

On May 29, 2013, the Commission issued a Notice of Application and Notice of Modified Procedure that asked interested persons to submit written comments by June 19, 2013. *See* Order No. 32818. Commission Staff submits these comments pursuant to that Order.

¹ The Application, as amended by the revised price lists, is referred to in these comments as the "Application."

STAFF REVIEW

TNCI-OpCo is a Delaware limited liability company that is authorized to do business in Idaho.² Its principal place of business is in Santa Barbara, California and its registered agent in Idaho is listed as the Corporation Service Company located in Boise.³ The Company is wholly owned and managed by TNCI Holdings LLC. Application at 3-4.

TNCI-OpCo states it does not yet provide telecommunications services in Idaho, nor does it plan to build new facilities, but instead is buying Trans National Communications Inc.'s ("Trans National") bankruptcy assets and will operate that business as configured. *Id.* at 2. Trans National is an authorized Competitive Local Exchange Carrier ("CLEC") in Idaho.⁴

The Company says it has not yet entered into or requested interconnection/resale agreements in Idaho. But where necessary, the Company has made arrangements with underlying carriers to assume the existing interconnection/resale agreements of Trans National as part of the bankruptcy process. *Id.* at 6.

The Company asserts that it is financially,⁵ managerially, and technically qualified to establish and operate its proposed telecommunications operations in Idaho. The Company also notes that its managers have significant experience in the telecommunications industry, and that it will share many of Trans National's customer service, technical, operational, and managerial personnel. *Id.* at 2-3.

The Company states that it will comply with Idaho law and the Commission's rules and will start providing service consistent with the Commission's approval of the Application. *Id.* at 4 and 6.

RECOMMENDATION

Staff has reviewed TNCI-OpCo's Application for a CPCN and believes the Company understands and agrees to comply with the Commission rules and requirements. Based on this review, Staff believes TNCI-OpCo's filing fulfills the requirements of the Commission Rules and Procedural Order No. 26665. Staff believes TNCI-OpCo possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of

² See Exhibit C, Secretary of State's Certificate of Authority of TNCI Operating Company LLC.

³ See Exhibit C, Secretary of State's Application for Certificate of Authority for Foreign Limited Liability Company.

⁴ See Case No. TIN-T-04-01, Commission Order No. 29637 and Certificate No. 438.

⁵ The Company provides pro forma financial information to support its Application.

telecommunications services. Staff, therefore, recommends approval of the Application for a Certificate of Public Convenience and Necessity subject to the following conditions:

1. TNCI-OpCo complies with number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
2. TNCI-OpCo provides necessary reports, and contributions as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, Idaho Telecommunications Service Assistance Program, and complies with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers;
3. Prior to issuance of the Certificate, TNCI-OpCo files a final price list with all its rates, terms and conditions with the Commission; and
4. TNCI-OpCo will relinquish its Certificate and all telephone numbers if, within one year of issuance of a CPCN, the Company is not providing local exchange telecommunications service in Idaho.

Respectfully submitted this 19th day of June 2013.



Karl Klein
Deputy Attorney General

Technical Staff: Grace Seaman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 19TH DAY OF JUNE 2013, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. TOC-T-13-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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SECRETARY