

DECISION MEMORANDUM

**TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: KRISTINE SASSER
DEPUTY ATTORNEY GENERAL**

DATE: OCTOBER 1, 2010

**RE: TRIARCH MARKETING, INC. APPLICATION FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY, CASE NO. TRI-T-10-01**

On February 24, 2010, Triarch Marketing, Inc. (“Triarch” or “Company”) filed an Application for a Certificate of Public Convenience and Necessity (“CPCN”) to provide resold and facilities-based local exchange service in Idaho.

Triarch is a Louisiana corporation and lists its principal place of business as Rayville, Florida. Triarch is registered with the Idaho Secretary of State as a foreign corporation and lists Incorp Services Inc., 921 S. Orchard Street, Suite G, Boise, Idaho 83705 as its Idaho registered agent for service of process.

Triarch states in its Application that it “initially proposes to provide resold and facilities-based local exchange service utilizing unbundled network elements provided by existing [local exchange carriers]: Qwest North, Qwest South, and Verizon.” Application at 4. The Company has “no current plans to install facilities in Idaho but may do so in the future, however, the nature and extent of the facilities to be utilized has yet to be determined.” *Id.* Triarch “seeks authority to provide all forms of intrastate local exchange and interexchange telecommunications services.” *Id.*

Triarch attached a copy of its illustrative tariff to its Application and later submitted revised pages at Staff’s request. *See* Application, Exhibit 5 and Tariff Revisions. The Company’s Application states that it has not yet initiated negotiations with incumbent local exchange carriers (“ILEC”) in Idaho. Triarch states that it has reviewed the laws and regulations of this Commission governing local exchange telecommunications services in Idaho and agrees

to provide service in accordance with the laws, rules and regulations to the extent they are not preempted by the federal Act.

Triarch's Application states that it will not require its customers to submit advance payments or deposits in exchange for service.

STAFF RECOMMENDATION

Staff has reviewed Triarch's Application and other reporting documentation and recommends that the Application be processed through Modified Procedure.

COMMISSION DECISION

Does the Commission wish to process Triarch's Application for a Certificate of Public Convenience and Necessity by Modified Procedure?



Kristine A. Sasser
Deputy Attorney General

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