

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
WINDSTREAM NUVOX, INC. FOR A) CASE NO. WNV-T-11-01
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE LOCAL)
EXCHANGE TELECOMMUNICATIONS) ORDER NO. 32339
SERVICES)**

On February 18, 2011, Windstream NuVox, Inc. (“Windstream” or “Company”) filed an Application, including a copy of its illustrative tariff, for a Certificate of Public Convenience and Necessity (“CPCN”), pursuant to *Idaho Code* §§ 61-526 through -528,¹ IDAPA 31.01.01.111 (Rule 111), and Procedural Order No. 26665, to provide resold and facilities-based local exchange telecommunications services in Idaho. *Application* at 1.

On June 23, 2011, the Commission issued a Notice of Application and Modified Procedure with a 21-day comment period. Commission Staff was the only party to submit written comments regarding Windstream’s Application. *See* Order No. 32270.

THE APPLICATION

Windstream is a Delaware corporation and lists its principal place of business as Little Rock, Arkansas. *Id.* at 2. Windstream is registered with the Idaho Secretary of State as a foreign corporation and lists CT Corporation System, 1111 West Jefferson, Suite 530, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* at 3, Exhibit 2. In its Application, Windstream provided a copy of its Certificate of Authority from the Idaho Office of the Secretary of State to transact business as a foreign corporation. *Id.* An SEC Form 10-K for Windstream Corporation was provided as financial background. *Id.* at 4.

In its Application, Windstream states the following regarding the telecommunications services it seeks to provide in Idaho:

[Windstream] proposes to provide wireline local telecommunications service—specifically, local exchange service (including, among other things, access to emergency services, access to operator services, access to interexchange service, access to directory assistance, toll limitation for qualifying low-income consumers, and any other ancillary functionalities that [Windstream] must provide pursuant to applicable statutes and regulations) and exchange access service.

¹ Pursuant to the Idaho Telecommunications Act of 1988, specifically *Idaho Code* § 62-604(1)(a), Windstream is exempt from Title 61 regulation.

Id. at 1. Windstream states that it “may also provide facilities-based services.” *Id.* at 2. “Such facilities-based local exchange service may be provided via (1) facilities . . . leased from other carriers, (2) [Windstream’s] own facilities, or (3) a combination thereof.” *Id.* Windstream agrees to “comply with all Commission rules and regulations in marketing its services in the State of Idaho.” *Id.*

Currently, Windstream is authorized to provide telecommunications services in the following states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. *Id.* In addition to requesting a CPCN to provide telecommunications services in Idaho, the Company is “in the process of requesting authority to provide telecommunications services in Arizona, California, Connecticut, Colorado, Idaho, Maine, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, Utah, Vermont and Wyoming.” *Id.*

STAFF COMMENTS AND RECOMMENDATIONS

Staff reviewed Windstream’s Application and believes the Company understands and has agreed to follow the Commission’s rules and procedures. According to Staff, the Company’s filing comports with the requirements of the Commission Rules and Procedural Order No. 26665. Staff believes that Windstream possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services. Therefore, Staff recommended approval of Windstream’s Application for a Certificate of Public Convenience and Necessity subject to the following conditions:

1. The Company complies with number pooling and reporting requirement of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
2. The Company provides all necessary reports and makes appropriate contributions to the Idaho Universal Service Fund (IUSF), Idaho Telecommunications Relay System (TRS), Idaho Telecommunications Service Assistance Program (ITSAP), and complies with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers;
3. Prior to issuance of the Certificate, Windstream files a final price list with all rates, terms, and conditions with the Commission; and

4. Windstream agrees to relinquish its Certificate and all telephone numbers if, within one year of issuance of a CPCN, the Company is not providing local exchange telecommunications services in Idaho as defined by *Idaho Code* § 62-603(1).

COMMISSION FINDINGS AND DECISION

Based upon our review of Windstream's Application and the record in this case, including Staff's comments, the Commission finds that Windstream's filing comports with the Commission's Rules and Procedural Order No. 26665. Thus, we approve Windstream's Application for a Certificate of Public Convenience and Necessity, subject to certain conditions more fully described below, to allow the Company to provide local exchange telecommunications services in the State of Idaho.


ORDER

IT IS HEREBY ORDERED that the Application of Windstream NuVox, Inc. for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services within the State of Idaho is granted.

IT IS FURTHER ORDERED that Windstream's Certificate of Public Convenience and Necessity shall be subject to the following conditions: (1) compliance with the Number Pool Administrator and Order No. 30425 mandating number resource utilization forecast (NRUF) reporting; (2) contribution to the Idaho Universal Service Fund, Idaho Telecommunications Relay System (TRS), Idaho Telephone Assistance Program (ITSAP) and any future reporting requirements deemed appropriate for competitive telecommunication providers; (3) filing a final and complete price list with the Commission containing all of its rates, terms and conditions; and (4) the Company shall relinquish its Certificate and any telephone numbers if, within one year of the issuance of a CPCN in this case, the Company is not offering local exchange telecommunications services in Idaho..

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.

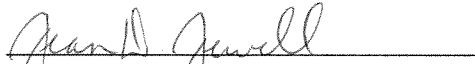
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29th
day of August 2011.


PAUL KJELLANDER, PRESIDENT


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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