

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL

DATE: JUNE 9, 2011

SUBJECT: APPLICATION OF WINDSTREAM NUVOX, INC. FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, CASE
NO. WNV-T-11-01

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.

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 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 RECOMMENDATION

Staff has reviewed Windstream’s Application and other supporting documentation and recommends that the Application be processed through Modified Procedure with a corresponding 21-day comment period.

COMMISSION DECISION

Should Windstream’s Application for a Certificate of Public Convenience and Necessity be processed through Modified Procedure with a corresponding 21-day comment period?



Neil Price
Deputy Attorney General

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