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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION OF) WINDSTREAM NUVOX, INC. FOR A) CERTIFICATE OF PUBLIC CONVENIENCE) AND NECESSITY) | CASE NO. WNV-T-11-01) COMMENTS OF THE) COMMISSION STAFF) |
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COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, Neil Price, Deputy Attorney General, and in response to the Notice of Application and Notice of Modified Procedure issued in Order No. 32270 on June 23, 2011, in Case No. WNV-T-11-01, submits the following comments.

BACKGROUND

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 -528¹, IDAPA 31.01.01.111

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

(Rule 111), and Procedural Order No. 26665, to provide resold and facilities-based local exchange telecommunications services in Idaho. Application at 1.

Windstream proposes to provide wireline local telecommunications service in the territories currently served by Verizon [SIC] and Qwest [SIC]. Once authorized by the Commission, the Company will provide 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. *Id.*

Windstream is authorized to provide telecommunications services in the following states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. 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, Maine, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, Utah, Vermont and Wyoming. *Id.* at 2

STAFF ANALYSIS

Windstream is incorporated under the laws of the State of Delaware and headquartered in Little Rock, Arkansas. *Id.* at 2. The Company is wholly owned by Windstream Corporation. *Id.* at 3

Included in the Application, Windstream provided a copy of the Certificate of Authority to transact business as a foreign corporation from the Idaho Secretary of State's Office. The Company does not have a principal place of business in Idaho and lists its registered agent in Idaho as CT Corporation. *Id.* An SEC Form 10-K for Windstream Corporation was provided as financial background. *Id.* at 4.

The Company does not currently plan to construct facilities, but seeks facilities-based authority so that it can provide services over its own or leased facilities to business customers as market condition permit. *Id.* The Company has not initiated interconnection negotiations, but intends to do so, as applicable, and upon being granted authority by the Commission. *Id.* at 7.


Windstream included a sworn verification that it will comply with all Commission rules and regulations in marketing its services in the State of Idaho. *Id.* Attachment.

STAFF RECOMMENDATION

Staff has reviewed the Application submitted by Windstream, and believes the Company understands and agrees to comply with the Commission rules and requirements. Based on this review, the Company's filing fulfills 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. Staff, therefore, recommends approval of the 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. Windstream provides necessary reports and contributes as appropriate 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 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 services in Idaho as defined by Idaho Code § 62-03(1).²

Respectfully submitted this 14th day of July 2011.



Neil Price
Deputy Attorney General

Technical Staff: Grace Seaman

i:umisc:comments/wnvt11.1npgs comments

² "Basic local exchange service" means the provision of access lines to residential and small business customers with the associated transmission of two-way interactive switched voice communications within a local exchange calling area.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 14TH DAY OF JULY 2011, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. WNV-T-11-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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