

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF ALBION TELEPHONE)
COMPANY’S PETITION FOR AN ORDER) CASE NO. ALB-T-15-02
APPROVING ITS: (1) ACQUISITION OF A)
AFFILIATED LONG-DISTANCE)
COMPANY’S ASSETS; (2) USE OF THOSE) ORDER NO. 33366
ASSETS TO PROVIDE LONG-DISTANCE)
SERVICES; AND (3) ASSOCIATED PRICE)
LIST)**

On June 9, 2015, Albion Telephone Company (the “Company”) petitioned the Commission for an Order approving its: (1) acquisition of certain assets of ATC Long Distance, Inc. (a now dissolved, affiliated Title 62 company); (2) use of those assets to provide non-regulated long-distance service; and (3) adoption of the ATC Long Distance, Inc.’s price list on file with the Commission (the Company has now filed that price list in its own name).¹ The Commission subsequently issued a Notice of Petition and Notice of Modified Procedure setting comment and reply deadlines. *See* Order No. 33336. Staff filed timely comments that support the Company’s Petition. No other comments were received. The Company did not reply.

Having reviewed the record, the Commission issues this Order approving the Company’s Application as specified below.

THE PETITION

The Company is a Commission-regulated Title 61 telephone corporation. In its Petition, the Company explains that in February 2014, the shareholders of its affiliate, ATC Long Distance, Inc., voted to dissolve the affiliate and transfer its assets to the Company so the Company could provide the long-distance services that the affiliate had been providing. The affiliate filed Articles of Dissolution with the Idaho Secretary of State on April 8, 2014.

The Petition explains that the Company has been providing long-distance services using the price list that the affiliate previously filed with the Commission. As part of its Petition, the Company has submitted the same price list in the Company’s name, and asks the

¹ *Idaho Code* § 62-606 and IDAPA 31.41.01.607 require all telecommunications corporations subject to the Telecommunications Act of 1988 (*Idaho Code* § 62-601 *et seq.*) to file with the Commission, for informational purposes, tariffs or price lists that reflect the availability, price, terms and conditions of all telecommunication services not offered under Title 61, Idaho Code. Price lists for Title 62 companies resemble tariffs, but are not *approved* by the Commission. Rather, they are *accepted for filing*. When a Title 62 Company ceases to do business in Idaho, it should notify the Commission so the price list can be removed from the Commission’s files.

Commission to approve it with a March 7, 2014 effective date (the date on which the affiliate's president signed the Articles of Dissolution).

The Petition states that the Company's acquisition of its affiliate's assets and provision of non-regulated long-distance service will have little, if any, impact on the Company's current customers. The Company will continue to provide these customers with the same regulated services at the same prices. The Company will also continue to offer long-distance service to its affiliate's former customers at the same prices. The Company separately accounts for its revenues and expenses from non-regulated long-distance service and its revenues and expenses from regulated services.

STAFF COMMENTS

Staff supports the Company's Petition. Staff notes that the Company certifies that "all revenues and expenses for the non-regulated long distance services are kept and managed separate and apart from the revenues and expenses of the regulated services provided by the Company under the following general ledger accounts: Revenue 7990.63-7990.68; Expenses: 7991.60-7991.62." *See* Affidavit of Richard L. Redman. Staff recommended the Commission approve the Company's acquisition of its dissolved affiliate's assets; use of those assets to provide non-regulated long-distance service; and adoption of the dissolved affiliate's price list. Staff also recommended the Commission require the Company to continue to separate the accounts for its non-regulated long-distance services from the accounts for its regulated services.

DISCUSSION AND FINDINGS

The Company is a Commission-regulated telephone corporation. The Commission has jurisdiction over the Company and the matters raised in the Petition under Titles 61 and 62 of the Idaho Code. We have reviewed the record in this case. Based on that review, we find that the Company's acquisition of its former affiliate's assets, and use of those assets to provide non-regulated long-distance service, will enable the Company to offer long-distance service to its former affiliate's customers at the same prices without interruption in service or change in billing practices. In addition, the Company's existing customers will not be adversely impacted, but will continue to receive the same regulated service at the same prices. We thus find it fair, just, and reasonable to grant the Company's Petition to acquire the assets of its dissolved affiliate, ATC Long Distance, Inc. We further find it reasonable for Albion to use those assets to provide non-regulated long-distance service to customers, and we approve adoption of the dissolved

affiliate's price list, with the list to be effective March 7, 2014. We also find it reasonable to direct the Company to continue to separate the accounts for its non-regulated long-distance service from the accounts for its regulated service. Lastly, because the Company's former affiliate, ATC Long Distance, Inc., has been dissolved and is no longer providing long-distance services in Idaho, we find it reasonable to remove the affiliate's price list from the Commission's active file of Telephone Title 62 Price Lists.

ORDER

IT IS HEREBY ORDERED that Albion Telephone Company's Petition to acquire the assets of its dissolved affiliate, ATC Long Distance, Inc. is approved. We further approve the use of those assets to provide non-regulated long-distance service to customers, and adoption of the dissolved affiliate's price list, with the list to be effective March 7, 2014, is approved. The Company's price list is accepted as filed.

IT IS FURTHER ORDERED that the Company shall continue to separate the accounts for its non-regulated long-distance service from the accounts for its regulated service.

IT IS FURTHER ORDERED that the price list of the dissolved affiliate, ATC Long Distance, Inc., shall be removed from the Commission's active file of Telephone Title 62 Price Lists.

THIS IS A FINAL ORDER. Any person interested in the Order (or in issues decided by this 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 and in this case. 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 27th
day of August 2015.



PAUL KJELLANDER, PRESIDENT




MARSHA H. SMITH, COMMISSIONER



KRISTINE RAPER, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:ALB-T-15-02_kk2