



12444 Powerscourt  
Suite 370  
St. Louis, MO 63131  
Phone: 314-225-2202

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2010 NOV 19 AM 9:34  
IDAHO PUBLIC  
UTILITIES COMMISSION

November 15, 2010

Ms. Jean D. Jewell  
Idaho Public Utilities Commission  
Secretary  
472 West Washington Street  
Boise, Idaho 83702

BRT-10-01

Re: BIG RIVER TELEPHONE COMPANY, LLC

Dear Ms. Jewell:

Enclosed please find for filing an unbound, unstapled original and three (3) stapled copies of BIG RIVER TELEPHONE, LLC's Application for a Certificate of Public Convenience and Necessity. The company has no local exchange customers in the State of Idaho at this time, and this is a new filing.

APPLICANT HAS ALSO ENCLOSED ONE (1) COPY ON YELLOW PAPER OF FINANCIAL STATEMENTS IN A SEPARATE ENVELOPE MARKED "CONFIDENTIAL AND PROPRIETARY", AND RESPECTFULLY REQUESTS CONFIDENTIAL TREATMENT OF THE ENCLOSED FINANCIAL INFORMATION. APPLICANT EXPECTS THAT THIS INFORMATION WILL BE RESTRICTED TO COUNSEL, AGENTS AND EMPLOYEES WHO ARE SPECIFICALLY ASSIGNED TO THIS APPLICATION BY THE COMMISSION.

I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed self-addressed, stamped envelope. If you have any questions, please do not hesitate to contact me. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Brian C. Howe". The signature is written in a cursive style with a large initial "B".

Brian C. Howe

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF IDAHO

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In the Matter of the Application of  
Big River Telephone Company, LLC.  
For a Certificate of Public Convenience  
and Necessity to Provide Local Exchange  
and Interexchange services in Idaho

IDAHO PUBLIC  
UTILITIES COMMISSION  
Docket No. BRT-t-10-d

**APPLICATION OF BIG RIVER TELEPHONE COMPANY, LLC**

Big River Telephone Company, LLC, (hereafter referred to as “Big River” or “Applicant”), pursuant to the Idaho Code §§61-526-528, IDAPA 31.01.01.111 and Procedural Order No. 26665, hereby applies to the Idaho Public Utilities Commission (“Commission”) for a Certificate of Public Convenience and Necessity to authorize Big River to provide limited facilities-based competitive local exchange and interexchange services in Idaho.

In support of its application, Big River provides the following:

**I. Proposed Services**

1. Applicant proposes to provide local exchange, interexchange and switched exchange access services throughout any exchanges in which it partners with a local cable TV company with whom it will lease local network to gain access to customers. Big River plans to market to both residential and business customers to provide basic phone service, custom calling features, long distance and toll free service. Service will be provided from Applicant’s own network and via the leased local network to the Cable TV company with whom Applicant partners. Applicant may also lease transport facilities from ILECs statewide and will do so pursuant to negotiated interconnection agreements.

2. Applicant will use the existing conduits, ducts, rights-of-way, and facilities of other telecommunications carriers, utilities, and municipalities. Applicant will not construct any new, or extend any existing, outside plants in Idaho to provide the services for which it seeks authority.

3. Big River's marketing strategy will be developed and will comply with all Commission rules and regulations in the state of Idaho. Big River will advertise its services through media of general distribution, using television, radio, and local print media. It will also communicate the availability of services, service features, and packages by direct mail. Finally, it will provide details of its offers on its website and advertise its services in the programming advertisements of its cable partners.

## **II. Form of Business**

4. Big River is a competitive provider of local and long distance phone services. Big River has not been denied requested certification in any jurisdiction and is currently authorized to provide telecommunication services in the following states:

Alabama	Missouri
Arkansas	Nebraska
Colorado	New Jersey
Georgia	New Mexico
Illinois	Oklahoma
Kansas	Pennsylvania
Kentucky	Tennessee
Louisiana	Texas
North Carolina	South Carolina
Minnesota	Washington
Mississippi	Wisconsin
	Wyoming

5. Big River is a Limited Liability Company, LLC, organized under the laws of the state of Delaware.

6. Applicant's legal name is Big River Telephone Company, LLC, with its principal place of business located at 24 South Minnesota, Cape Girardeau, MO 63703, (573) 651-3373 (Tel) and (573) 651-3605 (Fax).

7. A copy of Applicant's Articles of Incorporation is attached hereto as **EXHIBIT A**.

8. Big River's authority to transact business as a foreign corporation in Idaho is attached hereto as **EXHIBIT B**.

9. Big River's registered agent for service in Idaho is CT Corporation System, 111 West Jefferson, Suite 530, Boise, ID 83702.

10. A list of the names and addresses of Big River's ten common stockholders owning the greatest number of shares of common stock and the number of shares owned by each is being filed separately as **EXHIBIT C** in a separately sealed envelope marked "Confidential and Proprietary".

11. Big River's officers are:

Name:	Gerard Howe
Official Title:	Chief Executive Officer
Direct Telephone Number:	314-225-2203
FAX Number:	573-651-3605
Email:	jhowe@bigrivertelephone.com

Name:	Kevin Cantwell
Official Title:	President
Direct Telephone Number:	314-225-2201
FAX Number:	573-651-3605
Email:	kcantwell@bigrivertelephone.com

Name:	John F Jennings
Official Title:	Chief Financial Officer
Direct Telephone Number:	314-225-2202
FAX Number:	573-651-3605
Email:	jjennings@bigrivertelephone.com

Name: Kevin Keaveny  
Official Title: Chief Technical Officer  
Direct Telephone Number: 314-225-2207  
FAX Number: 573-651-3605  
Email: kkeaveny@bigrivertelephone.com

All officers can be reached at Applicant's principal place of business.

12. Big River has no corporation, association or similar organization holding a 5% or greater ownership or management interest.

13. Big River has one subsidiary, Big River Broadband, LLC, which is not currently operational.

14. Correspondence pertaining to this Application should be directed to:

Patty Feiste  
Project Manager 573.651.3373  
pfeiste@bigrivertelephone.com

### **III. Telecommunication Service**

15. Big River intends to begin providing service in Idaho after it obtains authorization to do so. Initial plans are to enter into the appropriate interconnection and service arrangements with Verizon, Qwest North, and Qwest South to offer such services.

- a. Big River will use the existing conduits, ducts, rights-of-way, and facilities of other telecommunications carriers, utilities, and municipalities. Applicant will not construct any new, or extend any existing, outside plants in Idaho to provide the services for which it seeks authority.

- b. Any facilities deployed by Big River will be for gateways to interface to the Public Switched Telephone Network. Additionally, Big River deploys network aggregation routers in each local service area to concentrate and transport telephony traffic from line equipment to its core network for eventual termination to the Public Switched Telephone Network and vice versa. All other networks required to provide service will be leased from other parties.

16. Big River will partner with cable companies, allowing them the ability to offer their Digital Phone Services to both business and residential customers in the State of Idaho. Services will be available to subscribers twenty-four hours per day, seven days per week, at rates, terms and conditions established by Applicant. Services will be offered and provided in accordance with applicable Idaho statutes and Commission regulations. Applicant's tariff, containing the terms, and conditions, applicable to its customers, and a description of the services offered, will be filed upon a grant of operating authority.

#### **IV. Service Territory**

17. Big River initially plans to provide service in the areas served by Verizon, Qwest North, and Qwest South. Applicant's service area will be identical to that of the incumbents, and applicant incorporates the incumbents' service area maps by reference hereto.

18. Big River proposes to provide local exchange, interexchange and switched exchange access services throughout any exchanges in which it partners with a local cable TV company with whom it will lease local network to gain access to customers. Big River, however, seeks the full range of local and interexchange authority so that it can have flexibility

in provisioning its services in the future. Initially, Big River will compete directly with Verizon, Qwest North, and Qwest South for the provision of local exchange telecommunication services.

#### **V. Financial Information**

19. Financial information demonstrating Big River's financial qualifications is being filed separately as **EXHIBIT D** in a separately sealed envelope marked "Confidential and Proprietary". As shown in the attached information, Big River is financially qualified to operate within the State of Idaho.

#### **VI. "Illustrative" Tariff Filings**

20. Big River's proposed initial local and interexchange tariffs are attached as **EXHIBIT E**.

#### **VII. Customer contacts**

21. Big River's planned service offerings will meet or exceed any applicable Commission quality of service requirements. To ensure top quality service, Big River will be available during regular business hours for customer inquiries. Potential customers can call Big River's toll free number 1-(800) 455-1608 for general questions or billing inquiries. Customers can report technical problems via a toll free number at 1-(800)455-1608. Big River Telephone Company will continuously monitor and maintain a high level of control over its network on a 24-hours-a-day, 7-days-a-week basis.

22. Big River has a toll free number available to all consumers 24 hours per day/ 7 days per week at 1-(800)-455-1608.

23. Inquiries from Commission Staff for resolving complaints and matters concerning rates lists and tariffs should be directed to:

Name:	Andrew Schwantner
Official Title:	Carrier Liaison/Network Planning
Direct Telephone Number:	314-225-2205
FAX Number:	573-651-3605
Email:	as@bigrivertelephone.com

### **VIII. Interconnection Agreements**

24. Once Applicant's Idaho CLEC application is approved then negotiation for an Interconnection Agreement will begin with Verizon, Qwest North and Qwest South.

### **IX. Compliance with Commission Rules**

25. Applicant has reviewed the laws and regulations governing local exchange telecommunications services in Idaho and will provide service in accordance with all laws, rules, and regulations to the extent they are not preempted by the Federal Act.

### **X. Escrow Account or Security Bond**

26. Big River does not require advance payments or deposits; therefore, no escrow account is being filed.

### **XI. Conclusion**

As demonstrated by the application and pursuant to Idaho Code §§61-526-528, IDAPA 31.01.01.111, and Procedural Order No. 26665, Big River's expertise in the telecommunications



sector will permit it to select the most economic and efficient services, thereby providing the customers with an excellent combination of price, quality and customer service. Applicant asserts that this application will serve the public interest because the Applicant's provision of local and long distance telecommunications services will increase competition and provide consumers in Idaho with greater choices. It is in the public interest to create competition in the provision of local exchange and interexchange markets. Authorizing Applicant to provide local exchange and interexchange services will result in a greater variety of telecommunications services and products to business and residential consumers in the telecommunications market. Consumers benefit from increased choices among facilities-based local and interexchange providers and competitive, cost based rates. Applicant respectfully requests the Commission enter an Order granting this Application.

Respectfully submitted,

Dated: 11/18/10

By: /s/ Gerard Howe  
Gerard Howe  
Chief Executive Officer  
Telephone: 314-225-2203  
FAX: 573-651-3605  
jhowe@bigrivertelephone.com

Subscribed and sworn before me this <sup>18th</sup> 18 day of November 2010.

Andrew Thomas Schwantner  
Notary Public

My Commission Expires: 5/31/2014

**ANDREW THOMAS SCHWANTNER**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jefferson County  
Commission Number 10893876  
My commission expires May 31, 2014

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "BIG RIVER TELEPHONE COMPANY, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-NINTH DAY OF JULY, A.D. 2008.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.

3387666 8300

080827839

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6759197

DATE: 07-29-08

EXHIBIT B

253

FILED EFFECTIVE



APPLICATION FOR CERTIFICATE OF AUTHORITY FOR FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

10 MAR -2 PM 3:52 SECRETARY OF STATE STATE OF IDAHO

1. The name of the limited liability company is:

Big River Telephone Company, LLC

2. If the name of the limited liability company is not permissible or is not available in Idaho, the name the foreign limited liability company will use in Idaho is:

3. The jurisdiction under whose laws the limited liability company is formed is: Delaware

4. The name and complete street address of the registered agent in Idaho is:

C T Corporation System 1111 West Jefferson, Suite 530, Boise, Idaho 83702

5. The street and mailing address of the limited liability company's principal office in Idaho is:

Street Address

Mailing Address, if different

6. The street and mailing addresses of the limited liability company's office in the jurisdiction under whose laws it is organized is:

Corporation Trust Center, 1209 Orange St., Wilmington DE 19801

Street Address

Mailing Address, if different

7. The name and mailing address of at least one member or manager:

Gerard J. Howe 24 S. Minnesota St., Cape Girardeau, MO 63703

8. Signature of an authorized person:

Handwritten signature of Gerard J. Howe

Authorized Signature

GERARD J. HOWE

Typed Name

Secretary of State use only

IDAHO SECRETARY OF STATE 03/02/2010 03:00 CH: 10290 CI: 20162 RH: 1210633 1 @ 100.00 = 100.00 REEFORLLC # 2

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