

Wednesday, April 17, 2024 11:45 AM

Cynthia A. Melillo PLLC
8385 W. Emerald Street
Boise, Idaho 83704

IDAHO PUBLIC
UTILITIES COMMISSION

(208)-577-5747
cam@camlawidaho.com

April 17, 2024

VIA Electronic Mail

Monica Barrios-Sanchez, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd. Building 8, Suite 201-A
Boise, ID 83714

P.O. Box 83720
Boise, ID 83720-0074

Re: CTC Telecom, Inc. – Petition to Demonstrate Satisfaction of
Requirements to Hold CPCN 348 and Retain Designation as
Eligible Telecommunications Carrier

Case No. CTL-T-23-02

Dear Ms. Barrios-Sanchez:

Enclosed for filing, please find a copy of CTC Telecom, Inc.'s Petition in the above referenced case. I have not sent a hard copy so please let me know if you will require a hard copy.

If you have any questions or need any additional information, please feel free to contact me.

Sincerely,



Cynthia A. Melillo

CAM/
Enclosure
Cc: James Wescott

CYNTHIA A. MELILLO (ISB # 5819)
Cynthia A. Melillo PLLC
8385 W. Emerald Street
Boise, Idaho 83704
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Attorney for CTC Telecom, Inc.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION.

PETITION OF CTC TELECOM, INC. TO)
DEMONSTRATE SATISFACTION OF)
REQUIREMENTS TO HOLD CPCN 348) Case No. **CTL – T – 23 - 02**
AND TO DEMONSTRATE SATISFACTION)
OF CRITERIA TO HOLD ITS)
DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER)
)
)
)

**PETITION OF CTC TELECOM, INC. TO DEMONSTRATE SATISFACTION OF
REQUIREMENTS TO HOLD CPCN 348 AND TO DEMONSTRATE SATISFACTION OF
CRITERIA TO HOLD ITS DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER**

Pursuant to Order No. 36077 of the Idaho Public Utilities Commission (the "Commission") CTC Telecom, Inc. ("CTC"), by and through its undersigned attorney, hereby submits to the Commission this Petition to demonstrate that CTC still meets the requirements necessary to hold its Certificate of Public Convenience and Necessity No. 348, as the same has been amended from time to time ("CPCN") and still satisfies the criteria to be designated an Eligible Telecommunications Carrier ("ETC").

CTC sold substantially all of its assets located in Ada County, Idaho used to provide voice and broadband services over fiber to the home facilities. CTC retained those assets used to provide fixed wireless service to customers in Ada County, Idaho. On May 26, 2023, CTC filed an

application with the Commission to amend its CPCN to remove those territories where facilities were sold, but to retain the CPCN to continue to provide services to its fixed wireless customers in Ada County, Idaho.

On July 12, 2023, the Commission opened a new case for CTC to review the asset transfer for compliance with Idaho Code § 61-328. CTL-T-23-03.

CTC objected to the Commission's discovery requests and review of the asset transfer based upon the Commission's lack of statutory authority to do so.

On January 31, 2024, the Commission dismissed CTL-T-23-03 in Order No. 36077 but ordered CTC to file this petition and supporting materials demonstrating that CTC still satisfies the criteria for a CPCN and evidence that it still satisfies the criteria for ETC designation.

I. CTC still meets the requirements necessary to hold its Certificate of Public Convenience and Necessity No. 348

A. Proposed Services

CTC currently provides fixed wireless service to approximately fifty (50) customers in Ada County, Idaho.

CTC is a facilities-based provider utilizing point-to-point wireless. CTC also leases transport facilities from ILECs in the above referenced areas and does so pursuant to negotiated interconnection agreements already on file with the Commission. CTC markets its services directly to its current customers through its web page, bill stuffers, and other professional communications.

B. Form of Business

(1) CTC is an Idaho corporation and has previously provided all formation documents to the Commission in connection with its original Application for CPCN.

(2) CTC's mailing address and physical addresses are:

Mailing Address:

CTC Telecom, Inc.
P.O. Box 69

Cambridge, ID 83610

Physical Address

CTC Telecom, Inc.
130 Superior Street
Cambridge, ID 83610

(3) A current certified Copy of the CTC's Articles of Incorporation is attached to this application as Exhibit 1.

(4) A current copy of the certificate of good standing issued by the Idaho Secretary of State is attached to this application as Exhibit 2.

(5) CTC's registered agent in the State of Idaho is:

Richard Wiggins
130 Superior Street
Cambridge, ID 83610

(6) The names and addresses of CTC's Officers and Board of Directors are as follows:

<u>Name</u>	<u>Address</u>	
Kermit Wiggins	P.O. Box 88 Cambridge, ID 83610	Director
Joana Wiggins	P.O. Box 88 Cambridge, ID 83610	Director
Richard Wiggins	P.O. Box 88 Cambridge, ID 83610	Director/President
Kristie Kanady	P.O. Box 88 Cambridge, ID 83610	Director/Secretary
James Wescott	P.O. Box 88 Cambridge, ID 83610	Director

(7) Cambridge Telephone Company owns one hundred percent (100%) of the issued and outstanding stock of CTC.

(8) There are no subsidiaries owned or controlled by the CTC.

C. Telecommunications Service

(1) CTC has the point-to-point wireless facilities and equipment to provide basic local exchange service.

(2) CTC provides service to residential and commercial customers.

D. Service Territory

CTC will continue to provide service in its certificated service areas, as more particularly shown on CTC's map, provided to the Commission in connection with CTC's original application.

E. Financial Information

Financial information demonstrating CTC's financial qualifications has been provided to the Commission in the form of the Annual Report of CTC Telecom, Inc. to the Idaho Public Utilities Commission for the year ending 2023, filed on April 12, 2024.

F. Illustrative Tariff

CTC has filed a price list with the Commission.

G. Customer Contacts

(1) Contact Information for the CTC

The name, address, telephone number and electronic mailing addresses of the person(s) responsible for consumer inquiries and complaints from the public is as follows:

CTC Telecom, Inc.
PO BOX 88
Cambridge, ID 83610
Attn: Jerry Piper
Telephone: 1-800-426-0794
Email Address: customerservice@ctctele.com

(2) CTC's toll-free number for customer inquiries and complaints is 1-800-426-0794.

(3) The name, number, and electronic mailing address of the person(s) designated as a contact for the Commission Staff for resolving complaints, inquiries and matters concerning rates and price lists or tariffs is as follows:

CTC Telecom, Inc.
PO BOX 88
Cambridge, ID 83610
Attn: James Wescott
Telephone: 208-257-3314
Email Address: jwescott@ctctele.com

H. Interconnection Agreements

CTC has interconnection agreements with Qwest Communications and Frontier Communications all of which have been provided to and approved by the Commission.

I. Compliance with Commission Rules

The CTC is familiar with all of the Commission rules and continues to agree to comply with them, or request for waiver of those rules believed to be inapplicable.

II. CTC still satisfies the criteria to be designated an Eligible Telecommunications Carrier

CTC was designated an Eligible Telecommunications Carrier pursuant to Order No. 30867 of the Commission (the "ETC Order") in the non-rural wire centers served by Qwest Corporation (now CenturyLink/Lumen) as set forth in CTC's original application, and for eight (8) rural wire centers served by Citizens Telecommunications/Frontier Communications and Cambridge Telephone Company (the "Designated Service Area"). None of the information provided in CTC's original application regarding CTC's network, facilities or services has changed as a result of the sale of assets located in Ada County, Idaho.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed as follows:

Cynthia A. Melillo
Cynthia A. Melillo PLLC
8385 W. Emerald Street
Boise, Idaho 83704

Telephone: 208-577-5747
Facsimile: 208-361-3441
Email: cam@camlawidaho.com

A. BACKGROUND

(1) Company Overview

All Company information is provided above. CTC provides local exchange services in the Designated Service Area using its own facilities.

(2) Identification of the Service Area

The Designated Service Area is provided in the ETC Order.

B. CTC MEETS THE STATUTORY AND REGULATORY REQUIREMENTS FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER.

As shown in CTC's original application, and as determined in the ETC Order, CTC meets the requirements for designation as an ETC as established under Sections 214(e) and 254 of the Act, and the IPUC ETC Requirements Order. Nothing in the original application with regard to these requirements has changed.

C. CTC's DESIGNATION AS AN ETC SERVES THE PUBLIC INTEREST

As shown in CTC's original application, and as determined in the ETC Order, CTC's designation as an ETC serves the public interest. Nothing in the original application with regard to serving the public interest has changed.

D. CERTIFICATION OF ELIGIBILITY

CTC will continue to certify eligibility of all Lifeline customers, both upon application and annually, as required by 47 C.F.R. § 54.410.

E. CTC WILL MEET ALL ANNUAL CERTIFICATION REQUIREMENTS

CTC will continue to file all annual reports required by both this Commission and the FCC. Any additional information required by the Commission to determine whether or not CTC continues to meet the requirements for ETC designation will be provided in such annual

certification.

III. RELIEF REQUESTED

CTC requests that the Commission enter an Order confirming that CTC continues to meet the requirements necessary to hold its CPCN, as amended by request of CTC in Case No. CTL-T-23-02, and that the Commission enter an Order confirming that CTC continues to meet the requirements for ETC designation in its Designated Service Areas. CTC requests that the Commission process this Petition under Modified Procedure.

RESPECTFULLY SUBMITTED this 17th day of April 2024.

Cynthia A. Melillo PLLC

By: 
Cynthia A. Melillo

Attorney for CTC Telecom, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of April 2024, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Monica Barrios-Sanchez, Commission
Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd. Building 8, Suite
201-A
Boise, ID 83714

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Facsimile
- Electronic Mail

P.O. Box 83720
Boise, ID 83720-0074



Cynthia A. Melillo

EXHIBIT 1

Certified Articles of Incorporation

[attached]



STATE OF IDAHO

Phil McGrane | Secretary of State

Business Office

450 North 4th Street

PO Box 83720

Boise, ID 83720

Request Type: Certified Copies of Business

Request #: 5691564

Issuance Date: 04/12/2024

Receipt #: 970090

Copies Requested: 1

I, Phil McGrane, Secretary of State of the State of Idaho, do hereby certify that **CTC TELECOM, INC.**, File # 376774 was formed or qualified to do business in the State of Idaho on 02/17/1998. CTC TELECOM, INC. has a home jurisdiction of Idaho and is currently in an Active-Good Standing status.

The attached documents are true and correct copies and were filed in this office on the date(s) indicated below.

Phil McGrane

Idaho Secretary of State

Processed By: Business Division

The attached document(s) was/were filed in this office on the date(s) indicated below:

<u>Reference #</u>	<u>Date Filed</u>	<u>Filing Description</u>
A0076-8611	02/17/1998	Initial Filing

FILED

FEB 17 2 09 PM '98

ARTICLES OF INCORPORATION

OF

SECRETARY OF STATE
STATE OF IDAHO

CTC TELECOM, INC.

IDAHO SECRETARY OF STATE

02/17/1998 09:00
PK: 19346 CT: 1626 BH: 82516

1 @ 100.00 = 100.00 CORP

C/22833

1. Name. The name of the corporation is CTC Telecom, (the "Corporation").
2. Authorized shares. The aggregate number of shares the Corporation is authorized to issue shall be five million (5,000,000), all of which shall be common voting stock. There shall be only one class of stock authorized.
3. Registered office and agent. The registered office of the Corporation is 130 Superior Street, Cambridge, Idaho 83610 and its registered agent at that address is Richard Wiggins.
4. Initial directors. The names and addresses of the directors serving as the Corporation's Board of Directors are as follows:

<u>Name</u>	<u>Address</u>
Richard Wiggins	130 Superior St., P.O. Box 86, Cambridge, Idaho 83610
Joana Wiggins	130 Superior St., P.O. Box 86, Cambridge, Idaho 83610
Kermit Wiggins	130 Superior St., P.O. Box 86, Cambridge, Idaho 83610

5. Incorporator. The name of the incorporator is Richard Wiggins and the incorporator's address is 130 Superior Street, Cambridge, Idaho 83610.
6. Voting. Each outstanding share entitled to vote shall be entitled to one (1) vote on each matter submitted to a vote at a meeting of shareholders.
7. Indemnification. The Corporation shall indemnify the directors and officers of the Corporation to the fullest extent permitted by the Idaho Business Corporation Act, as the same exists or may hereafter be amended (but, in the case of any such amendment, only to the extent that such amendment permits the corporation to provide broader indemnification rights than the existing Idaho Business Corporation Act permits prior to such amendment).
8. Limitation of Liability. No director shall be liable to the Corporation or its shareholders for monetary damages for breach of fiduciary duty except liability for: (i) the amount of a financial benefit received by a director to which he or she is not

entitled; (ii) an intentional infliction of harm on the corporation or the shareholders; or (iii) an intentional violation of criminal law.

9. Cumulative Voting Rights. All shareholders are entitled to cumulate their votes for directors; that is, they are entitled to multiply the number of votes they are entitled to cast by the number of directors for whom they are entitled to vote and cast the product for a single candidate or distribute the product among two (2) or more candidates.

10. Preemptive and Preferential Rights. Stockholders of the Corporation shall have preemptive and preferential rights of subscription to any shares of stock of the Corporation, whether now or thereafter authorized, and to any obligations of the Corporation convertible into stock. Any stock or obligations convertible into stock issued by the Corporation shall be offered first to the stockholders of the Corporation.

11. Transactions Between Corporations, Officers and Directors. Without in any way limiting the provisions of Idaho law, no contract or other transaction between the Corporation and no act of the Corporation shall in any way be affected or invalidated by the fact that any of the directors of the Corporation are pecuniarily or otherwise interested in, or are directors or officers of another corporation; any director individually, or any firm of which any director may be a member, may be a party to, or may be pecuniarily or otherwise interested in, any contract or transaction of the Corporation, provided that the fact that such director or firm is so interested shall be disclosed or shall have been known to the Board of Directors of the Corporation. Any director of the Corporation who is also a director or officer of such other corporation, or who is so interested, may be counted in determining the existence of a quorum at any meeting of the Board of Directors of the Corporation which shall authorize any such contract or such transaction with like force and effect as if he were not such director or officer of such other corporation or not so interested.

In witness whereof, I have subscribed these Articles of Incorporation this 12th day of February, 1998.

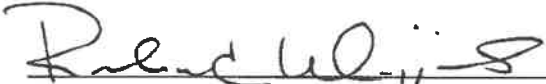

Richard Wiggins, Incorporator

EXHIBIT 2

Certificate of Good Standing

[attached]



STATE OF IDAHO

Phil McGrane | Secretary of State

Business Office

450 North 4th Street

PO Box 83720

Boise, ID 83720

April 12, 2024

Request Type: Certificate of Existence/Filing

Request #: 0005691253

Receipt #: 000970050

Issuance Date: 04/12/2024

Copies Requested: 0

Regarding: CTC TELECOM, INC.

Filing Type: General Business Corporation (D)

Formation/Qualification Date: 02/17/1998

Status: Active-Good Standing

Duration Term: Perpetual

File #: 376774

Formation Locale: IDAHO

Inactive Date:

Certificate of Existence

I, Phil McGrane, Secretary of State of the State of Idaho, do hereby certify that effective as of the issuance date noted above

CTC TELECOM, INC.

is a Corporation duly incorporated under the law of this State with a date of incorporation and duration as given above.

Phil McGrane

Idaho Secretary of State

Processed By: Business Division

Verification #: 028357129