

## **DECISION MEMORANDUM**

**TO: COMMISSIONER ANDERSON  
COMMISSIONER HAMMOND  
COMMISSIONER LODGE  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: JOHAN KALALA-KASANDA  
ADAM TRIPLETT, DEPUTY ATTORNEY GENERAL**

**DATE: JUNE 18, 2024**

**RE: IN THE MATTER OF THE PETITION OF CTC TELECOM, INC. TO  
DEMONSTRATE SATISFACTION OF REQUIREMENTS TO HOLD  
CPCN CERTIFICATE No. 348 AND TO DEMONSTRATE  
SATISFACTION OF CRITERIA TO HOLD ITS DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER;  
CASE NO. CTL-T-23-02.**

### **BACKGROUND**

On April 17, 2024, CTC Telecom, Inc. (“CTC”) submitted a Petition to the Idaho Public Utilities Commission (the “Commission”) to demonstrate firstly that it still meets the requirements necessary to hold its Certificate of Public Convenience and Necessity No. 348, as the same and as has been amended from time to time (“CPCN”); and secondly to demonstrate that it still satisfies the criteria to be designated an Eligible Telecommunications Carrier (“ETC”). Petition at 1. CTC submitted this Petition pursuant to Commission Order No. 36077 of Case No. CTL-T-23-03, Notice of the Acquisition of Certain Assets of CTC by Millenium Networks, LLC (“Millenium”). CTC was ordered to file this Petition, with supporting materials, to demonstrate that it still satisfies the requirements for a CPCN certificate and the criteria for ETC status designation after it sold all its assets in Ada County, Idaho (“Ada County”) to Millenium. Order No. 36077 at 6.

### **APPLICATION and PETITION**

On May 26, 2023, CTC submitted an Application to the Commission seeking an amendment to its CPCN certificate No. 348 relinquishing its right to provide voice and broadband services to residential customers in Ada County. Case No. CTL-T-23-02

(Application at 2). CTC stated that the reason for this Application was because, effective April 19, 2023, it entered into an Asset Purchase Agreement with Millennium substantially selling all its assets within Ada County. As a result, CTC will no longer provide voice and broadband services over fiber to the home facilities in Ada County. Millennium will be offering local exchange telecommunications services in Ada County and will also provide service to the former customers of CTC. CTC will still be providing fixed wireless services to customers within Ada County but under the assumed business name Wilderness Wireless. *Id.* 2. Thus, the Application for the amendment of CPCN certificate No. 348 entailed the removal of those territories where facilities were sold but retained the CPCN certificate to continue to provide services to its fixed wireless customers in Ada County, Idaho. Petition at 1 - 2.

Pursuant to Commission Order No. 36077, CTC was also required to demonstrate that it still satisfies the criteria to be designated an ETC. Thus, as part of its Petition, submitted to the Commission on April 17, 2024, CTC asserted that “none of the information provided in its original application regarding CTC’s network, facilities or services has changed as a result of the sale of the assets located in Ada County, Idaho.” The designated service area and all other ETC criteria are the same and in compliance with Commission Order No. 30867 of Case No. CTL-T-09-01. *Id.* at 5.

CTC stated that it meets all the requirements to continue to hold the CPCN certificate No. 348. Additionally, CTC asserted that it continues to meet the requirements for the ETC designation status in its Designated Service Areas. Therefore, CTC requested that the Commission issue an Order confirming that it continues to meet the requirements to hold its CPCN certificate No. 348, granting the requests in Case No. CTL-T-23-02 to amend its CPCN certificate, and also confirm that CTC continues to meet the requirements for ETC designation status. *Id.* at 5.

## **STAFF ANALYSIS**

Staff reviewed the Company’s Petition and Application and believes the Company understands the Commission’s rules and requirements related to the provision of telecommunication services in Idaho. Staff confirmed that CTC has demonstrated that it still meets the requirements necessary to continue to hold its CPCN certificate No. 348. Staff also agrees that this CPCN should be amended to reflect the fact that it no longer provides basic local exchange service in Ada County, where facilities were sold, but will still be providing fixed

wireless services to customers within Ada County. Additionally, Staff confirmed that CTC has also demonstrated that it still satisfies the criteria to be designated an ETC.

The Commission has jurisdiction over the issuance of CPCN certificates in Idaho, pursuant IDAPA 31.01.01.114. The Commission also has the authority, under federal law, to grant ETC designations within Idaho. 47 U.S.C. § 214(e)(2). Authority for the Commission to designate ETC status is also provided in Idaho law—the Idaho Telecommunications Act of 1988—and expounded upon in prior Commission orders. *See* Idaho Code §§ 62-610D(1), 62-615(1); Order No. 29841. Under this authority, this Commission has granted ETC designations to numerous carriers in Idaho, including wireless carriers. *See* Order Nos. 32586, 32645, and 34163.

CTC is an Idaho corporation and is a wholly owned subsidiary of Cambridge Telephone Company. CTC was first granted the CPCN certificate No. 348 on August 10, 1998, by Commission Order No. 27673 of Case No. GNR-T-98-04, to provide basic local exchange service to approximately 900 homes and small businesses in a new development area known as Hidden Springs, located in Ada County near Boise, Idaho, off-Dry Creek Road.

On June 8, 1999, pursuant to Commission Order No. 28059 of Case No. CTL-T-99-01, the CPCN No. 348 was amended, granting CTC the authority to provide competitive local exchange service as a competitive local exchange carrier throughout US WEST Communications, Inc.’s southern Idaho service territory.

On July 24, 2009, CTC’s application for designation as an ETC was approved by Commission Order No. 30867 of Case No. CTL-09-01.

### **STAFF RECOMMENDATION**

Staff recommends that the Commission approve the Application and the Petition.

### **COMMISSION DECISION**

Does the Commission wish to approve these changes?

  
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Johan E. Kalala-Kasanda