

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: DAYN HARDIE  
DEPUTY ATTORNEY GENERAL**

**DATE: MARCH 18, 2021**

**SUBJECT: IN THE MATTER OF ELTOPIA COMMUNICATIONS, LLC’S REQUEST  
FOR CANCELLATION OF CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY NO. 470; CASE NO. ECL-T-20-01.**

On December 29, 2020, Intessera Consulting Group (“Intessera”) filed a request on behalf of Eltopia Communications, LLC (“Ektopia”) asking the Commission to voluntarily withdraw Eltopia’s Certificate of Public Convenience and Necessity (“CPCN” ) and cancel any tariffs on file with the Commission for Eltopia. Intessera represented that Eltopia did not have any customers in Idaho.

On January 7, 2021, Commission Staff submitted a Decision Memorandum recommending the Commission approve the request to cancel Eltopia’s CPCN No. 470.

Commission Staff’s January 7, 2021 Decision Memorandum appeared on the Consent Agenda at the Commission’s January 12, 2021 Decision Meeting and the Commission approved the Decision Memorandum.

Following approval of the January 7, 2021 Decision Memorandum an attorney for the Commission notified Intessera that the filing did not comply with Commission Rule 43. Commission Rule 43 defines who may file on behalf of a party in proceedings before the Commission. In administrative proceedings, the Commission’s rules allow filings to be made by “an employee or officer of a corporation, or a licensed attorney” but not by consultants on behalf of a corporation. IDAPA 31.01.01.043.01. Intessera agreed to modify the filing to comply with Commission Rules.

On March 11, 2021, Intessera resubmitted its request accompanied by a letter signed by Eltopia's President.

**STAFF RECOMMENDATION**

Staff recommends the Commission grant the request and withdraw CPCN No. 470 without prejudice and cancel any tariffs on file with the Commission for Eltopia.

**COMMISSION DECISION**

Does the Commission wish to withdraw CPCN No. 470 without prejudice and cancel any tariffs on file for Eltopia?



Dayn Hardie  
Deputy Attorney General