

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF LXI-CLEC, LLC AND) CASE NO. LXI-T-20-05
FATBEAM, LLC’S APPLICATION FOR) FZ4-T-20-02
APPROVAL TO ASSIGN THE)
CERTIFICATE OF PUBLIC CONVENIENCE) NOTICE OF APPLICATION
AND NECESSITY HELD BY LXI-CLEC, LLC)
TO FATBEAM, LLC) NOTICE OF MODIFIED
) PROCEDURE
)
) ORDER NO. 34882

On November 17, 2020, LXI-CLEC, LLC (“LXI”) and Fatbeam, LLC (“Fatbeam”) (collectively the “Applicants”) applied for authority for LXI to transfer its certificate of Public Convenience and Necessity No. 498 (“CPCN”) and other assets to Fatbeam.

The Commission now provides this Notice of Application and Notice of Modified Procedure establishing public and reply comment deadlines.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that Fatbeam entered into an Asset Purchase Agreement (“Agreement”) wherein Fatbeam will acquire certain assets from LXI and associated companies Tekfinity, LLC, Tek-Hut, Inc. and Random Investments, LLC (collectively the “Companies”). The assets include regulatory authorizations, telecommunications equipment and facilities, certain customer and vendor contracts, and certain rights and agreements with third parties and government agencies.

YOU ARE FURTHER NOTIFIED that Fatbeam currently provides facilities-based Internet service, private line, and Wide Area Network services in Idaho.

YOU ARE FURTHER NOTIFIED that Fatbeam intends to offer basic local exchange services utilizing unbundled network elements obtained via assignment of LXI’s interconnection agreement with incumbent local exchange carrier, Qwest.

YOU ARE FURTHER NOTIFIED that Fatbeam will obtain assets of the Companies, including LXI’s CPCN, allowing it to provide facilities-based services on a competitive basis to

Idaho customers.¹ Fatbeam will continue to serve the customers currently served by the Companies upon completion of the proposed transaction.

YOU ARE FURTHER NOTIFIED that Fatbeam seeks authority to offer telecommunications services in all areas currently, or that become, open to competition, including areas currently served by Frontier and CenturyLink. Fatbeam expects to compete with CenturyLink.

YOU ARE FURTHER NOTIFIED that Fatbeam serves customers in northern and eastern Idaho. Under the Agreement, Fatbeam will acquire fixed wireless and/or wireline facilities of the Companies in southcentral and southwest Idaho.

YOU ARE FURTHER NOTIFIED that the Application is available for public inspection during regular business hours at the Commission's office. The Application is also available on the Commission's web site at www.puc.idaho.gov. Click on the "TELEPHONE" tab at the top of the home page, then select "Open Cases" and then locate and click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code. The Commission may enter any final order consistent with its authority under Title 61.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that persons desiring to state a position on this Application may file a written comment explaining why the person supports or opposes the Application. Persons who would like a hearing must specifically request a hearing in their written

¹ LXI-CLEC does not currently serve end-users in Idaho but does provide telecommunications facilities to the other Companies who provide other telecommunications and communications services to enterprises and government customers, primarily schools and libraries.

comments. **Persons shall have 21 days from the service date of this Order to file written comments.** Comments must be filed through the Commission website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission’s home page at www.puc.idaho.gov. Click the “Case Comment Form” and complete the form using the case number as it appears on the front of this document. To file by e-mail, the customer must e-mail the comments to the e-mail addresses listed below. In addition to submitting the comments to the Commission Secretary, the customer must also e-mail the Company at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and Company at these addresses:

For the Commission:

Commission Secretary
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
secretary@puc.idaho.gov

11331 W. Chinden Blvd.
Building 8, Suite 201-A
Boise, Idaho 83714

For the Applicants:

Tamar Finn
Brett Ferenchak
1111 Pennsylvania Ave., N.W.
Washington, DC 20004
Tamar.finn@morganlewis.com
brett.ferenchak@morganlewis.com

Copy to LXI-CLEC:

Nate Bondelid
10350 West Emerald St.
Boise, ID 83704
nate@tek-hut.com

Copy to Fatbeam:

Kim Devlin
2065 W. Riverstone Dr. Ste 202
Coeur d’Alene, ID 83814
anand.vadapalli@fatbeam.com

YOU ARE FURTHER NOTIFIED that the Applicants must file any reply comments within 28 days of the service date from this Order.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

ORDER

IT IS HEREBY ORDERED that the Company's Application be processed by Modified Procedure, Rule 201-204 (IDAPA 31.01.01.201-.204). Persons interested in submitting written comments must do so within 21 days from the service date on this Order. The Company must file any reply comments within 28 days from the service date on this Order.

IT IS FURTHER ORDERED that parties should continue to comply with Order No. 34781, issued September 17, 2020. All pleadings should be filed with the Commission electronically and shall be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should also be accomplished electronically. Voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29th day of December 2020.



PAUL KJELLANDER, PRESIDENT

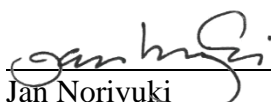


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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