

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF TEMPO** ) **CASE NO. TEM-T-23-01**  
**TELECOM’S APPLICATION FOR** )  
**DESIGNATION AS AN ELIGIBLE** ) **NOTICE OF APPLICATION**  
**TELECOMMUNICATIONS CARRIER** )  
 ) **NOTICE OF**  
 ) **MODIFIED PROCEDURE**  
 )  
 ) **ORDER NO. 35961**  
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On August 7, 2023, Tempo Telecom, LLC (“Company” or “Tempo”) applied to the Idaho Public Utilities Commission (“Commission”) for designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Idaho (“Application”). The Company seeks designation as an ETC for the sole purpose of providing Lifeline services. The Company requests that it be allowed to participate and receive reimbursement from the Idaho Telephone Service Assistance Program accordingly (“ITSAP”).

The Commission now issues a Notice of Application and sets deadlines for interested persons to comment on the Application, and for the Company to reply.

**NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that according to the Company, Tempo is part of a corporate structure consisting of several layers. Tempo is a wholly owned subsidiary of Lingo Management, LLC (“Lingo”); B. Riley Principal Investments (“BRPI”) owns 100% of Lingo; BRPI is owned by B. Riley Financial, Inc.—a publicly traded company.

YOU ARE FURTHER NOTIFIED that the Company requests a limited designation to be authorized to provide Lifeline service to qualifying Idaho consumers—including those on federally recognized Tribal lands.

YOU ARE FURTHER NOTIFIED that the Company requests that its designation as an ETC include the authority to participate in, and receive reimbursement from, the ITSAP. The Company states that it was not eligible to receive funds from the Universal Service Fund and does not seek such designation.

YOU ARE FURTHER NOTIFIED that the Company states that the Commission has jurisdiction over this matter and that Tempo is a common carrier with the ability to provide the telecom services listed in its Application.

YOU ARE FURTHER NOTIFIED that the Company asserts that it meets all federal and state requirements for designation as an ETC. The Company also argues that designating the Company as an ETC is in the public interest.

YOU ARE FURTHER NOTIFIED that the Company asserts that, if approved, it will offer telecom services (from calling and text messaging to broadband access) in a cost-effective manner—thereby increasing competition and customer service options within an underserved area.

YOU ARE FURTHER NOTIFIED that the Application and supplemental materials are available for public inspection during regular business hours at the Commission’s office. The Application and supplemental materials are also available on the Commission’s website at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the “TELEPHONE” icon, select “Open Cases” 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 62 of the Idaho Code.

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 that it will proceed under Modified Procedure pursuant to Rules 201 through 204 of the 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 comments. **Persons interested in filing written comments must do so within 21 days of the service date of this Order.** Comments must be filed through the Commission’s website or by e-mail unless computer access is unavailable. To comment electronically, please access the

Commission's website at [www.puc.idaho.gov](http://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 Commission Secretary and 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 Idaho PUC:**

Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074

**For the Company:**

Lance Steinhart  
1725 Windward Concourse, Suite 150  
Alpharetta, GA 30005  
[lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com)

Street Address for Express Mail:

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

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

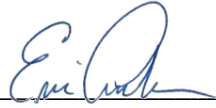
YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and,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

**ORDER**

IT IS HEREBY ORDERED that the Application be processed by Modified Procedure. Persons interested in submitting written comments must do so within 21 days of the service date of this Order. The Company must file any reply comments within 28 days of the service date of this Order.

IT IS FURTHER ORDERED that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should continue to be accomplished electronically when possible. However, voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

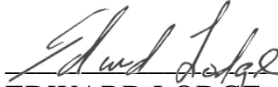
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 17<sup>th</sup> day of October 2023.



ERIC ANDERSON, PRESIDENT

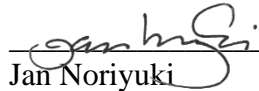


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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