

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**OF CUSTER TELEPHONE BROADBAND ) CASE NO. CTB-T-11-01**  
**SERVICES, LLC FOR A CERTIFICATE OF )**  
**PUBLIC CONVENIENCE AND ) ORDER NO. 32383**  
**NECESSITY )**

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On May 20, 2011, Custer Telephone Broadband Services, LLC (“CTBS” or “Company”) filed an Application, including a copy of its illustrative tariff, for a Certificate of Public Convenience and Necessity (“CPCN”), pursuant to *Idaho Code* §§ 61-526 through -528<sup>1</sup>, IDAPA 31.01.01.111 (Rule 111), and Procedural Order No. 26665, to provide competitive local exchange telecommunications services in Idaho. *Application* at 1.

On August 30, 2011, the Commission issued a Notice of Application and Notice of Modified Procedure. *See* Order No. 32340. Thereafter, Commission Staff was the only party to submit written comments within the established comment period.

**THE APPLICATION**

CTBS is an Idaho corporation and lists its principal place of business as Challis, Idaho. *Id.* at 2. CTBS is registered with the Idaho Secretary of State as a limited liability company and lists Dennis L. Thornock, Custer Telephone Cooperative, Inc., 1101 East Main Ave., P.O. Box 324, Challis, Idaho 83226, as its Idaho registered agent for service. *Id.* at 2, Exhibit 2.

In its Application, CTBS states the following regarding the telecommunications services it seeks to provide in Idaho:

[CTBS] is a facilities based provider providing multiple fiber to the premise (FTTP), cable-modem service, and point-to-point wireless. [CTBS] intends to upgrade and expand its facilities to provide basic local exchange service to its current customers and to potential customers in Salmon, Idaho and the surrounding areas. [CTBS] will also lease the facilities of Custer Telephone Cooperative, Inc. to provide the service. [CTBS] may also lease transport facilities from ILECs in the above referenced areas. . . .

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<sup>1</sup> Pursuant to the Idaho Telecommunications Act of 1988, specifically *Idaho Code* § 62-604(1)(a), CTBS is exempt from Title 61 regulation.

*Id.* at 1. CTBS states that it intends to provide its services by November 2011, subject to Commission approval and the execution of interconnection agreements with CenturyLink, Qwest and Custer Telephone Cooperative. *Id.* at 3. CTBS's proposed service territory includes Salmon, Idaho and surrounding areas but may later expand to include CenturyLink's service area. *Id.*, Exh. 3. CTBS has reviewed and has agreed to comply with all of the Commission's rules. *Id.* at 5.

### STAFF COMMENTS AND RECOMMENDATIONS

Staff reviewed CTBS's Application and believes the Company understands and has agreed to follow the Commission's rules and procedures. According to Staff, the Company's filing comports with the requirements of the Commission Rules and Procedural Order No. 26665. Staff believes that CTBS possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services. Therefore, Staff recommended approval of CTBS's Application for a Certificate of Public Convenience and Necessity subject to the following conditions:

1. The Company complies with number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
2. The Company provides all necessary reports and makes appropriate contributions to the Idaho Universal Service Fund (IUSF), Idaho Telecommunications Relay System (TRS), Idaho Telecommunications Service Assistance Program (ITSAP), and complies with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers;
3. Prior to issuance of the Certificate, CTBS must file a final price list with all rates, terms, and conditions with the Commission; and
4. CTBS agrees to relinquish its Certificate and all telephone numbers if, within one year of issuance of a CPCN, the Company is not providing local exchange telecommunications services in Idaho as defined by *Idaho Code* § 62-603(1).<sup>2</sup>

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<sup>2</sup> "Basic local exchange service" means the provision of access lines to residential and small business customers with the associated transmission of two-way interactive switched voice communications within a local exchange calling area.

## COMMISSION FINDINGS AND DECISION

Based upon our review of CTBS's Application and the record in this case, including Staff's comments, the Commission finds that CTBS's filing comports with the Commission's Rules and Procedural Order No. 26665. Thus, we approve CTBS's Application for a Certificate of Public Convenience and Necessity, subject to certain conditions more fully described below, to allow the Company to provide local exchange telecommunications services in the State of Idaho.

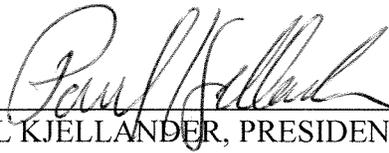
### ORDER

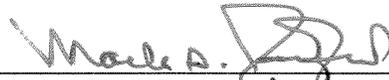
IT IS HEREBY ORDERED that the Application of Custer Telephone Broadband Services, LLC for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services within the State of Idaho is granted.

IT IS FURTHER ORDERED that CTBS's Certificate of Public Convenience and Necessity shall be subject to the following conditions: (1) compliance with the Number Pool Administrator and Order No. 30425 mandating number resource utilization forecast (NRUF) reporting; (2) contribution to the Idaho Universal Service Fund, Idaho Telecommunications Relay System (TRS), Idaho Telephone Assistance Program (ITSAP) and any future reporting requirements deemed appropriate for competitive telecommunication providers; (3) filing a final and complete price list with the Commission containing all of its rates, terms and conditions; and (4) the Company shall relinquish its Certificate and any telephone numbers if, within one year of the issuance of a CPCN in this case, the Company is not offering local exchange telecommunications services in Idaho..

THIS IS A FINAL ORDER. Any person interested in the Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

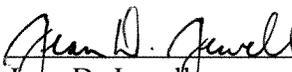
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 14<sup>th</sup>  
day of October 2011.

  
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PAUL KJELLANDER, PRESIDENT

  
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MACK A. REDFORD, COMMISSIONER

  
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MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

O:CTB-T-11-01\_np2