

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

FROM: NEIL PRICE

DATE: AUGUST 18, 2011

**SUBJECT: APPLICATION OF CUSTER TELEPHONE BROADBAND SERVICES,
LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY, CASE NO. CTB-T-11-01**

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 -528¹, IDAPA 31.01.01.111 (Rule 111), and Procedural Order No. 26665, to provide competitive local exchange telecommunications services in Idaho. *Application* at 1.

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

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

Cooperative, Inc. to provide the service. [CTBS] may also lease transport facilities from ILECs in the above referenced areas. . . .

Id. at 1-2. CTBS states that 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 Century Link'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 RECOMMENDATION

Staff has reviewed CTBS's Application and other supporting documentation and recommends that the Company's Application be processed through Modified Procedure with a corresponding twenty-one (21) day comment period.

COMMISSION DECISION

Does the Commission wish to process CTBS's Application for a Certificate of Public Convenience and Necessity through Modified Procedure with a corresponding 21-day comment period?



Neil Price
Deputy Attorney General

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