

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF BCN TELECOM,)
INC.'S APPLICATION FOR A) CASE NO. NUI-T-13-01
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE)
FACILITIES-BASED AND RESOLD LOCAL) ORDER NO. 32955
EXCHANGE SERVICES)**

On August 6, 2013, BCN TELECOM, INC. (“Company”) applied to the Commission for a Certificate of Public Convenience and Necessity (“CPCN”) authorizing the Company to provide facilities-based and resold local exchange and interexchange telecommunications services in Idaho. On October 15, 2013, the Company supplemented its Application with additional information.¹

On November 27, 2013, the Commission issued a Notice of Application and Notice of Modified Procedure that solicited public input on the Application and set a June 19, 2013 comment deadline. *See* Order No. 32931. Commission Staff filed the only comments in the case and supported the Company’s Application.

Having reviewed the record, the Commission approves the Company’s Application for a CPCN as set forth below.

THE APPLICATION

In its Application, the Company says it is a New Jersey corporation that is authorized to do business in Idaho. Its principal place of business is in Bedminster, New Jersey. The Company is wholly owned by Telecom Acquisition Company, LLC. Application at 2-3.

The Company proposes to provide resold and facilities-based local exchange services throughout Idaho in the territories of Qwest. The Company has no plans to build facilities. It will market services to business and residential customers, and it intends to provide those services using other facilities-based carriers’ services and facilities or by obtaining access to incumbent local exchange carriers’ UNE-Platform. The Company would offer services including, without limitation, two-way local lines/trunks, direct inward/outward dialing options, local calling, and access to 911 emergency services. *Id.* at 1. It proposes to offer all forms of intrastate telecommunications services including: (1) basic residential exchange services (local

¹ This Order refers to the Company’s Application, as supplemented, as the “Application.”

exchange flat rate, measured rate service, and operator assistance); (2) residential custom class features (call waiting, Caller ID, call forwarding, etc.); (3) adjunct provider features (voice message, etc.); and (4) residential ancillary services (911, directory listing, directory assistance, etc.). The Company will provide a toll-free customer service telephone number Monday-Friday from 8 a.m. to 6 p.m. *Id.* at 4.

The Company says it owns no property related to the services it would offer in Idaho. It intends to offer service in the geographic areas currently served by Qwest Communications, and it will mirror the basic local calling areas of the incumbent local exchange companies. The Company proposes to provide resold and facilities-based local exchange services through a combination of its own facilities or leased facilities, or both, and the resale of other carriers' facilities and network elements. It would compete with other certificated local competitive local exchange carriers in Idaho. *Id.* at 5.

The Company plans to enter interconnection and service arrangements with Qwest Corporation or other certificated facilities-based carriers. *Id.* at 4. It has not yet started to negotiate these agreements but intends to start them with Qwest in the near future. *Id.* at 6. The Company says it would offer service upon certification and approval of the interconnection agreements. *Id.* at 5.

The Company's Application describes its management team's background and experience. The Company also provides financial information to support its Application. Proposed tariffs are also included.

The Company says it has reviewed and will comply with the Commission's rules. *Id.* at 6.

THE COMMENTS

Staff reviewed the Company's Application to ensure it satisfied the requirements for obtaining a CPCN, including RP 114 (specifying the information to be included in a CPCN application). Based on that review, Staff believes the Company's filing satisfies the Commission's requirements for the issuance of a CPCN. Staff believes the Company understands and will comply with the Commission's rules and requirements. Staff also believes the Company possesses the requisite financial, managerial, and technical qualifications necessary to provide local exchange telecommunications services. Staff thus recommended the Commission issue a CPCN to the Company, subject to the following conditions:

1. The Company must comply with the number pooling and reporting requirements of the North American Numbering Plan Administrator (NANPA).²
2. The Company must comply with all reporting and contribution requirements of Idaho's Universal Service Fund (USF; *Idaho Code* § 62-610; IDAPA 31.46.01), Telecommunications Relay Services (TRS) program (*Idaho Code* § 61-1304; IDAPA 31.46.02); and Telecommunications Service Assistance (TSA) program (*Idaho Code* § 56-904);³
3. The Company must comply with all future reporting requirements that the Commission deems appropriate for competitive telecommunications providers;
4. The Company must file a final price list with all its rates, terms, and conditions with the Commission before the CPCN will issue; and
5. The Company must relinquish its CPCN and all telephone numbers if, within one year of the issuance of a CPCN, the Company is not providing basic local exchange service in Idaho.⁴

DISCUSSION AND FINDINGS

Based on our review of the record, including the Company's Application and Staff's comments, we find the Company's Application complies with RP 114. We thus approve the Company's Application for a CPCN to provide local exchange telecommunications services in Idaho, subject to the following conditions: (1) the Company must comply with the NANPA's number pooling and reporting requirements; (2) the Company must comply with all reporting and contribution requirements of Idaho's USF, TRS program, and TSA program; (3) the Company must comply with all future reporting requirements that the Commission deems appropriate for competitive telecommunications providers; (4) the Company must file a final price list with all its rates, terms, and conditions before the CPCN will issue; and (5) the Company must relinquish its CPCN and all telephone numbers if the Company is not providing local exchange telecommunications services in Idaho within one year after the CPCN issues.

² See Commission Order No. 30425.

³ See Commission Order Nos. 32637, 32524, and 32526.

⁴ "'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 communication within a local exchange calling area." *Idaho Code* § 62-603(1).

ORDER

IT IS HEREBY ORDERED that the Company's Application is approved and the Company shall be issued a CPCN subject to the above conditions.

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 30th day of December 2013.



PAUL KJELLANDER, PRESIDENT



MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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