

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF OPTIX MEDIA L.L.C. FOR A) CASE NO. OML-T-12-01
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY) ORDER NO. 32516
)

On January 26, 2012, Optix Media L.L.C. (“Optix Media,” 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 -528,1 IDAPA 31.01.01.111 (Rule 111), and Procedural Order No. 26665, to provide competitive local exchange telecommunications services in Idaho.

On March 6, 2012, the Commission issued a Notice of Application and Modified Procedure with a 21-day comment period. *See* Order No. 32475. Commission Staff (“Staff”) was the only party to submit written comments regarding Optix Media’s Application.

THE APPLICATION

Optix Media is an Idaho limited liability company organized on December 19, 2011. The Company lists its principal place of business as Chubbuck, Idaho. The Company is registered with the Idaho Secretary of State and lists Brad McSpadden, 7964 Prospector Hollow, Pocatello, Idaho 83201, as its Idaho registered agent for service.

Optix Media states that it will operate as a facilities-based competitive local exchange carrier (“CLEC”) and plans to negotiate an interconnection agreement with CenturyLink to market services in conjunction with complementary services offered by its affiliate company HJ LLC dba Big Dog Internet (“HJ”).

The Company indicates that it will initially offer optically-based dedicated point-to-point and point-to-multipoint services including T1 and Ethernet-based services to business class customers. The Company plans to collocate in the CenturyLink Pocatello Central Office to gain access to copper circuits to supply ADSL, SDSL, and T1’s. Further deployment will involve remote terminals throughout the initial service territory of Pocatello, Blackfoot, Idaho Falls, and Rexburg.

STAFF COMMENTS AND RECOMMENDATION

Staff reviewed Optix Media'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 Optix Media possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services. Therefore, Staff recommended approval of Optix Media's Application for a Certificate of Public Convenience and Necessity subject to the following conditions:

1. The Company complies with number pooling and reporting requirement 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, Optix Media files a final price list with all rates, terms, and conditions with the Commission; and
4. Optix Media 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).

COMMISSION DECISION

Based upon our review of Optix Media's Application and the record in this case, including Staff's comments, the Commission finds that Optix Media's filing comports with the Commission's Rules and Procedural Order No. 26665. Thus, we approve Optix Media'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 Optix Media L.L.C. 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 Optix Media'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 11th
day of April 2012.


PAUL KJELLANDER, PRESIDENT


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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