

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF SPECTROTEL, INC. DBA ONE TOUCH) **CASE NO. SPE-T-11-01**
COMMUNICATIONS AND DBA TOUCH)
BASE COMMUNICATIONS FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE LOCAL) **ORDER NO. 32602**
EXCHANGE TELECOMMUNICATIONS)
SERVICES IN IDAHO)
_____)

On October 17, 2011, Spectrotel, Inc. dba One Touch Communications and dba Touch Base Communications (“Spectrotel” or the “Company”) filed its initial Application requesting the Commission issue a Certificate of Public Convenience and Necessity (CPCN) to provide facilities-based and resold local exchange services within Idaho. On November 10, 2011, and again on May 2, 2012, Spectrotel amended its Application and model tariff pages to comply with the filing requirements set out in Rule 114, IDAPA 31.01.01.114.

On June 19, 2012, the Commission issued a Notice of Application and Notice of Modified Procedure soliciting public comment on the Application. Commission Staff filed the only comments in the case and supported the Company’s Application. As set out in greater detail below, we conditionally grant the amended Application.

THE APPLICATION

Spectrotel proposes to provide facilities-based and resold local exchange services through the combination of its facilities and the resale of other carriers’ facilities and network elements to business and residential customers throughout Idaho. The Company is principally located in Neptune, New Jersey and is incorporated in Delaware. Application at 3. Although it has no Idaho offices, the Company states that it is authorized by the Idaho Secretary of State to conduct business in Idaho.

The Company intends to begin offering its services once the Commission has issued a CPCN and approved Spectrotel’s interconnection agreement(s) with other carriers. *Id.* Spectrotel is requesting authority to provide local exchange service throughout Idaho in all exchanges not exempt from competition. Initially, the Company intends to offer services in the geographic areas currently served by Qwest Corporation dba CenturyLink. Spectrotel’s local

exchange service will mirror the basic local calling areas of the incumbent local exchange carrier (ILEC), CenturyLink. Spectrotel intends to provide service via unbundled network element platforms (UNE-P) facilities and resale arrangements with ILECs.¹

Spectrotel does not intend to provide operator assistance services itself. It intends to rely upon the underlying carrier to “handle calls that require operator assistance.” Amended Application at 1. In addition, Spectrotel does not intend to route or handle 911 emergency calls; such calls will be routed through the underlying carrier to the appropriate emergency agency.

Spectrotel has reviewed the Commission’s rules applicable to local exchange service providers in Idaho and agrees to provide service in accordance with all laws, rules and Orders to the extent they are not preempted by the federal Telecommunications Act. Rule 114.07. Spectrotel will not require advanced payments or deposits; therefore, no escrow account is being filed with this Application.

Spectrotel asserts that it possesses the experience and financial ability to provide local and long-distance services within Idaho. The Company maintains that the services it proposes to provide will increase the competitive choices available to customers within Idaho. Consequently, its Application for a Certificate is in the public interest.

STAFF COMMENTS

Staff reviewed Spectrotel’s Application as amended for compliance with applicable legal requirements for acquiring a CPCN, including the requirements contained in Rule 114 and Procedural Order No. 26665. Based upon its review, Staff believes that Spectrotel understands the Commission’s rules and requirements related to the provision of local telecommunications services in Idaho. Staff also believes that Spectrotel possesses the requisite financial, managerial, and technical qualifications necessary to provide such services. Consequently, Staff recommended the Commission issue a CPCN to Spectrotel, subject to the following conditions:

1. The Company must comply with all number pooling and reporting requirements of the North American Number Plan Administrator. *See* Commission Order No. 30425;
2. The Company must comply with all reporting and contribution requirements as prescribed by the Idaho Universal Service Fund (*Idaho*

¹ On June 6, 2012, Spectrotel filed a notice withdrawing its proposed access tariff, Idaho Tariff No. 2, which was previously submitted. The Company stated that it does not anticipate billing for intrastate switched access services in Idaho in the near future.

Code § 62-610; IDAPA 31.46.01), Idaho Telecommunications Relay System (*Idaho Code* § 61-1304; IDAPA 31.46.02), Idaho Telecommunications Service Assistance Program (*Idaho Code* § 56-904); and

3. The Company must comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers.

DISCUSSION AND FINDINGS

Based upon our review of the record, including the Company's Application as amended and Staff's comments, we find that the Company's Amended Application meets the requirement of Rule 114, IDAPA 31.01.01.114. Consequently, we approve the Company's Application for a CPCN to provide local exchange telecommunications services in Idaho subject to the conditions set forth below.

ORDER


IT IS HEREBY ORDERED that Spectrotel, Inc. dba One Touch Communications and dba Touch Base Communications' Application (as amended) for a Certificate of Public Convenience and Necessity is granted as conditioned below.

IT IS FURTHER ORDERED that Spectrotel: (1) shall comply with all number pooling and reporting requirements of the North American Number Plan Administrator consistent with Commission Order No. 30425; (2) shall comply with all reporting and contribution requirements as prescribed by the Idaho Universal Service Fund and its Administrator, Idaho Telecommunications Relay System and its Administrator, Idaho Telecommunications Service Assistance Program; (3) shall comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers; and (4) shall relinquish its certificate and all telephone numbers if, within one year of the issuance of the CPCN, the Company is not providing local exchange telecommunications services in Idaho.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. SPE-T-11-01 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 or in interlocutory Orders previously issued in

this case. 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 July 2012.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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