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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF BIRCH)
COMMUNICATIONS, INC.'S APPLICATION) **CASE NO. BIR-T-18-01**
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY) **COMMENTS OF THE**
_____) **COMMISSION STAFF**

STAFF OF the Idaho Public Utilities Commission, by and through its Attorney of record, Sean Costello, Deputy Attorney General, submits the following comments.

BACKGROUND

On November 28, 2017, Birch Communications, Inc. (“Birch” or “Company”) applied to the Commission for a Certificate of Public Convenience and Necessity (“Application”)(“CPCN”) authorizing it to provide local and long distance telecommunications service in Idaho pursuant to IDAPA 31.01.01.114 and Commission Order No. 26665.

STAFF ANALYSIS

Birch is a Georgia corporation, authorized to do business in Georgia and is located at 320 Interstate North Pkwy SE, Atlanta, GA 30339. It is registered with the Idaho Secretary of State and its Foreign Certificate of Registration is attached to the December 19, 2017, Supplement to its Application.

Birch proposes, and requests authority, to offer resold local exchange and interexchange services statewide within the State of Idaho. Application at 1. Birch states that it plans to

provide service to “large business customers” in the incumbent local exchange carrier (ILEC) territories of CenturyLink and Frontier, with which it has interconnection agreements, utilizing “a mix of its own facilities (located in other states), unbundled network elements (‘UNEs’) or UNE-replacement services from ILECs, and other ILEC-provided services” *Id.* at 4. Birch will be providing service to multi-line business customers that are currently served by Ionex Communications North Inc. (Ionex). Ionex will continue to serve residential and single line business customers under Certificate No. 514.

Birch provided its Articles of Incorporation, names and addresses of Officers and Directors, as well as financial information, which it asserts is exempt from public disclosure pursuant to Rule 67. *See* Exhibits A-C; IDAPA 31.01.01.067. On January 30, 2018, Birch supplemented its Application by filing its proposed Idaho Local and Interexchange Services Tariff and Access Services Tariff.

Finally, Birch agrees to comply with all applicable Commission rules. *Id.* at 6.

RECOMMENDATION

Staff has reviewed Birch’s Application for a CPCN and believes the Company understands and agrees to comply with the Commission rules and requirements. Based on this review, Staff believes Birch’s Application fulfills the requirements of the Commission Rules and Procedural Order No. 26665. Staff also believes Birch possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services.

Staff, therefore, recommends approval of the Application for a CPCN subject to the following conditions:

1. Birch must comply with the number pooling and reporting requirements of the North American Numbering Plan Administrator;¹
2. Birch must provide necessary reports and contribute, as appropriate, to the Idaho Universal Service Fund,² Idaho Telecommunications Relay System,³ Idaho Telecommunications Service Assistance Program,⁴ and comply with all future reporting requirements deemed appropriate by the Commission for competitive telecommunications providers; and

¹ *See* Commission Order No. 30425.

² *See* Commission Order No. 32637.

³ *See* Commission Order No. 32524.

⁴ *See* Commission Order No. 32526.

3. Prior to issuance of the Certificate, Birch must file a final price list outlining all its rates, terms and conditions with the Commission.⁵

Respectfully submitted this 9th day of February 2018.



Sean Costello
Deputy Attorney General

Technical Staff: Daniel Klein

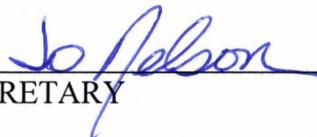
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⁵ See Birch Application Second Supplement; IDAPA 31.01.01.133 and Order No. 26665 at 10.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 9TH DAY OF FEBRUARY 2018, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. BIR-T-18-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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SECRETARY