

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
ACCESS POINT, INC. FOR A CERTIFICATE) CASE NO. ACS-T-08-01
OF PUBLIC CONVENIENCE AND NECESSITY)
TO PROVIDE LOCAL EXCHANGE SERVICES) ORDER NO. 30636
)**

On February 14, 2008, Access Point, Inc. (“Access” or “Company”) filed an Application for a Certificate of Public Convenience and Necessity pursuant to *Idaho Code* §§ 61-526 through 528, IDAPA 31.01.01.111 and Commission Order No. 26665 to provide resold facilities-based and local exchange telecommunications services in the State of Idaho. *Application* at 1. Subsequently, Commission Staff submitted data requests to Access for additional information pertaining to its Application. On May 8, 2008, Access filed its responses to Staff’s data requests.

Thereafter, the Commission set apart August 7, 2008 as the deadline for comments regarding Access’ Application. *See* Order No. 30598. Staff was the only party to submit comments.

THE APPLICATION

Access is a North Carolina corporation and lists its principal place of business as Cary, North Carolina. *Id.* at 2. Access offers telecommunications services in every state within the lower 48 United States. *Id.* at Exhibit E. The Company is registered with the Idaho Secretary of State as a limited liability company and lists TCS Corporate Services, Inc. 5481 Kendall St., Boise, Idaho 83706, as its Idaho registered agent for service. *Id.* at 2.

The Company states that it “currently offers resold long distance service throughout the state of Idaho.” *Id.* at 1. In its filing, the Company “proposes to provide local telecommunications service to residential and business customers . . . throughout the state of Idaho in all exchanges not exempt from competition.” *Id.* at 1, 5.

Access states further that it intends “to offer service through UNE-P facilities and resale agreements with ILECs located in the State pursuant to interconnection agreement(s) . . .” *Id.* at 5. Operator assisted services, such as 911 emergency calls, will be “handled by its underlying carrier” and then routed to the “appropriate emergency agency.” *Id.*

Access will offer 24-hour toll-free customer assistance once it initiates operations. *Id.* The Company intends to offer service in “both Qwest North and Qwest South service territories.” Data Response No. 2. The Company has provided the Commission with the appropriate “Financial Information” and “Illustrative Tarriff Fillings.” *See id.* at 3, Exhibit F and Exhibit H; *see also* Data Responses, Attachments I-VII. Access states that it will not be requiring deposits or advance payments and requests a waiver from the requirement of an escrow account with a bonded escrow agent for deposits and/or advanced payments. *See* Data Response No. 7.

STAFF COMMENTS

Staff reviewed Access’s Application and determined that the Company has complied with the requirements of Procedural Order No. 26665 and Procedural Rules 111 and 112, IDAPA 31.01.01.111 and 112. Staff believes that Access possesses the requisite financial, managerial, and technical qualifications necessary to effectively operate as a telecommunications provider within Idaho. Staff noted that Access does not anticipate collecting deposits from its customers and that the Company has requested a waiver of the Escrow Account requirements found in Order No. 26665.

Based upon its review, Staff recommended the Commission approve Access’s Application for a Certificate of Public Convenience and Necessity and waive the Commission’s requirements pertaining to escrow accounts and interest on customer deposits, until such time as the Company begins to collect deposits from its customers.

COMMISSION FINDINGS

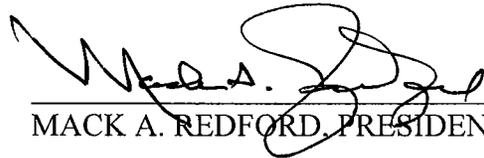
Based upon our review of the filings and the record in this case, the Commission finds that Access’s filing satisfies the requirements of the Commission’s Rules and Procedural Order No. 26665. Thus, we approve Access’s Application for a Certificate of Public Convenience and Necessity to allow the Company to provide local exchange telecommunications services within Idaho.

ORDER

IT IS HEREBY ORDERED that the Application of Access Point, Inc. for a Certificate of Public Convenience and Necessity is granted to enable the Company to provide local exchange telecommunications services within the State of 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.*

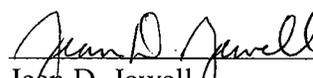
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 9th day of September 2008.


MACK A. REDFORD, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


JIM D. KEMPTON, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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