

DECISION MEMORANDUM

TO: COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSIONER KEMPTON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL

DATE: AUGUST 20, 2008

SUBJECT: APPLICATION OF ACCESS POINT, INC. FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY; CASE NO. ACS-T-08-01

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 Street, 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’ Application and determined that the Company has complied with the requirements of Procedural Order No. 26665 and IDAPA 31.01.01.111 and 112 (Rules 111 and 112). Staff believes that Access possesses the requisite financial, managerial, and technical qualifications necessary to effectively operate as a telecommunications provider within the State of Idaho. Staff notes 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 recommends that the Commission approve Access’ Application for a Certificate of Public Convenience and Necessity and waive the escrow account requirements until such time as the Company begins to collect deposits from its customers.

COMMISSION DECISION

Does the Commission wish to approve Access Point, Inc.’s Application for a Certificate of Public Convenience and Necessity to provide resold facilities-based and local exchange telecommunications services within the State of Idaho?

Does the Commission wish to waive the escrow account requirements until such time as Access begins to collect deposits from its customers?



Neil Price

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