

RECEIVED
FILED



2005 JUL -6 PM 2: 12

IDAHO PUBLIC
UTILITIES COMMISSION

KIRA DALE PFISTERER
DEPUTY ATTORNEY GENERAL
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0314
IDAHO BAR NO. 6571

Street Address for Express Mail:
472 W. WASHINGTON
BOISE, ID 83702-5983

Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
ALL IDAHO LLC DBA IBC COMMUNICA-)
TIONS, INC. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
PROVIDE LOCAL EXCHANGE SERVICES)
WITHIN THE STATE OF IDAHO.)
_____)**

CASE NO. AII-T-05-1

**COMMENTS OF THE
COMMISSION STAFF**

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Kira Dale Pfisterer, Deputy Attorney General, in response to Order No. 29802, the Notice of Application and Notice of Modified Procedure in Case No. AII-T-05-1 issued on June 15, 2005, and submits the following comments.

BACKGROUND

On May 23, 2005, All Idaho LLC dba IBC Communications, Inc. ("IBC") filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to provide resold local exchange telecommunications services throughout Qwest's service territory in the State of Idaho.

STAFF ANALYSIS

Staff has reviewed IBC's Application and finds that it complies with the Commission's requirements. Staff reviews all requests for a CPCN certificate pursuant to *Idaho Code* §§ 61-526 through -528, IDAPA 31.01.01.111 and 112 (Rules 111 and 112), and Procedural Order No. 26665. In order to be issued a CPCN, a public utility must provide the Commission with the following information: (1) name, address, and form of business; (2) the date on which the applicant proposes to begin construction or anticipates that it will provide service, including a written description of customer classes and services proposed to be offered; (3) the proposed service territory; (4) certain financial information; (5) maps regarding the proposed service area; (6) a proposed initial tariff and price sheets; (7) contact information; (8) interconnection agreements if any; (9) an agreement to comply with the Commission's Rules; and (10) an escrow account with a bonded escrow agent if the company requires advanced deposits from its customers. Order No. 26665.

IBC's Application includes all of the required information. IBC intends to provide local, long distance and international calling as well as Voice Over Internet Protocol (VoIP) to both residential and business customers. IBC also plans to provide: Internet services, networking, phone system setup and install, call center services, hosting, co-location and consultation. IBC will offer these telecommunications services through resale and unbundled network element agreements with Qwest.

Staff is satisfied that the Company has the technical and managerial strength to provide the services identified in the Application. IBC is an Idaho corporation with its principal business address in Pocatello and also has a registered agent for service in Idaho. IBC was created by All Idaho L.L.C, which has been providing Internet services to Idaho and Oregon customers for over nine years. All Idaho L.L.C. notified the Commission it was providing advance telecommunications services (high speed data lines) in November of 2003. All Idaho has since indicated that its telecommunications services will be provided through its IBC subsidiary.

The principals at IBC have considerable telecommunications experience, especially in data and advanced communications. Further, while Staff has some concerns regarding the Application's limited financial information, Staff ultimately concludes that the Company does not pose a risk to Idaho's customers and Staff does not recommend the imposition of any financial guarantees.

Staff believes that the financial resources identified in the Application, plus the Company's existing base of high-speed data customers, should be sufficient for operations as a reseller. IBC's Application indicates that the Company lacks financial information due to its recent start-up date of May 1, 2005. However, the parent company, All Idaho, has remained in business for nine years. In addition, the Application includes a Letter of Guarantee for \$28,000 that had been issued to Qwest on behalf of IBC.

IBC specifically indicated in its Application it will comply with all Commission rules. In addition, IBC provided an illustrative tariff with its Application that demonstrates an understanding of tariff requirements and processes.

The Company does not anticipate collecting deposits, and therefore requests a waiver of that portion of Commission Order No. 26665 that requires an Escrow Account be established.

STAFF RECOMMENDATION

Staff finds that the Company's filing complies with the requirements of the *Idaho* Code, the Commission's rules, and Procedural Order No. 26665. Therefore, Staff recommends that the Commission approve All Idaho LLC dba IBC Communications, Inc.'s Application for a Certificate of Public Convenience and Necessity to provide competitive local exchange service in Idaho.

Respectfully submitted this 6th day of July 2005.



Kira Dale Pfisterer
Deputy Attorney General

Technical Staff: Wayne Hart

i:\umisc\comments\ait05.1kdpwh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 6TH DAY OF JULY 2005, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. AII-T-05-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

KRISTA COOK
ALL IDAHO LLC
dba IBC COMMUNICATIONS
1424 YELLOWSTONE AVE
POCATELLO, ID 83706


SECRETARY