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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
AIRESPRING, INC. FOR A CERTIFICATE OF) **CASE NO. ASI-T-10-01**
PUBLIC CONVENIENCE AND NECESSITY.)
)
) **COMMENTS OF THE**
) **COMMISSION STAFF**
)

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, Neil Price, Deputy Attorney General, and in response to the Notice of Application and Notice of Modified Procedure issued in Order No. 32063 on September 2, 2010, in Case No. ASI-T-10-01, submits the following comments.

BACKGROUND

On July 1, 2010, Airespring, Inc. ("Airespring" or "Company") filed an Application for a Certificate of Public Convenience and Necessity ("CPCN"), pursuant to *Idaho Code* §§ 61-526 through -528¹ and IDAPA 31.01.01.111 (Rules 111 and 112), to provide local exchange telecommunications services.

¹ Pursuant to the Idaho Telecommunications Act of 1988, specifically *Idaho Code* § 62-604(1)(a), Airespring is exempt from Title 61 regulation.

Airespring states in its Application that it will initially provide resold local exchange services. Airespring seeks authority and intends to offer all forms of switched and non-switched intrastate local exchange telecommunications services. Currently the Company has no plans to install facilities in Idaho, but may do so in the future.

STAFF ANALYSIS

Airespring's proposed Idaho service territory will include all areas of Idaho currently being served by existing incumbent local exchange carriers ("ILECs"). The Company states that it will not offer its services in areas already being served by carriers that are eligible for the small or rural carrier exemption under Section 251 of the federal Telecommunications Act of 1996 ("Federal Act").

Airespring attached a copy of its illustrative tariff to its Application. After its review, Staff contacted the Company's consultant with some revisions. On July 23, 2010, the Company forwarded the revisions to Staff.

Airespring states that it has reviewed the laws and regulations governing local exchange telecommunications services and will provide service in accordance with Idaho law and the rules and regulations of the Commission to the extent they are not preempted by the Federal Act.

Airespring states that it will not require advanced payments or deposits and seeks a waiver of the Commission's requirement for an escrow account for those payments.

STAFF RECOMMENDATION

1. Staff recommends that Airespring be granted a CPCN subject to the following conditions:
 - a) The Company complies with number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
 - b) Airespring provides necessary reports and contributes as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, Idaho Telecommunications Service Assistance Program, and complies with all future reporting requirements deemed appropriate by the Commission for competitive telecommunication providers;

- c) Prior to issuance of the Certificate, Airespring files a final price list with all its rates, terms and conditions with the Commission;
 - d) Airespring will relinquish its Certificate and all telephone numbers if, within one year of issuance of a CPCN, the Company is not providing local exchange telecommunications services in Idaho.
2. Staff recommends waiver of the Commission's requirement for an escrow account.

Respectfully submitted this ^{23RD} day of September 2010.


for Neil Price
Deputy Attorney General

Technical Staff: Carolee Hall

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 23RD DAY OF SEPTEMBER 2010, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. ASI-T-10-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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SECRETARY