

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
BANDWIDTH.COM CLEC, LLC FOR A) CASE NO. BND-T-07-01
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE LOCAL)
EXCHANGE TELECOMMUNICATIONS) ORDER NO. 30568
SERVICES)**

On October 29, 2007, Bandwidth.com CLEC, LLC (“Bandwidth.com”) 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 facilities-based and resold local exchange telecommunications services in the State of Idaho. *Application* at 1. Thereafter, the Commission agreed to process Bandwidth.com’s Application through Modified Procedure and set apart May 8, 2008 as the deadline for comments regarding Bandwidth.com’s Application. *See* Order No. 30533. Commission Staff was the only party to submit comments regarding Bandwidth.com’s Application.

THE APPLICATION

Bandwidth.com is a Delaware corporation and lists its principal place of business as Cary, North Carolina. *Id.* at 2. The Company is registered with the Idaho Secretary of State as a limited liability company and lists CT Corporation System, 1111 W. Jefferson #530, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* at 2.

Bandwidth.com states that it currently provides telecommunications services in the states of California, Florida, Illinois, New York, North Carolina, Ohio, Pennsylvania and Texas. *Id.* The Company “will offer traditional voice services to customers utilizing the public switched network, Applicant will also offer services using Internet Protocol to provide voice over data applications.” *Id.* at 1. The Company intends to “enter into the appropriate interconnection and service arrangements with Qwest Corporation (“Qwest”)” in order to “provide resold and facilities-based local exchange telecommunications services to both business and residential customers in the state of Idaho.” *Id.* at 4.

“Bandwidth.com does not currently own facilities or property in Idaho.” *Id.* at 5. The Company intends to offer its services throughout the State of Idaho but it “does not plan to

provide service in areas of any small or rural local exchange carrier.” *Id.* at 4. The Company has provided the Commission with the appropriate “Financial Information” and “Illustrative Tariff Filings.” *See id.* at 5; Revised Replacement Tariff Filings on March 25, 2008.

STAFF COMMENTS

Staff reviewed Bandwidth.com’s Application and determined that the Company has complied with the requirements of Procedural Order No. 26665 and IDAPA 31.01.01.111 and 112. Staff believes that the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate effectively as a telecommunications provider within the State of Idaho. The Company advised Staff that it will not seek to collect deposits from its customers and requests a waiver of the escrow and interest requirements for customer deposit accounts. *See* Order No. 26665. Staff explained that if the Company were to require customer deposits in the future it must then comply with these requirements.

Based upon its review, Staff recommended that the Commission approve Bandwidth.com’s Application for a Certificate of Public Convenience and Necessity and waive the escrow and interest requirements found in Commission Order No. 26665.

COMMISSION FINDINGS

Based upon our review of the filing and the record in this case, the Commission finds that Bandwidth.com’s filing satisfies the requirements of the Commission’s Rules and Procedural Order No. 26665. Thus, we approve Bandwidth.com’s Application for a Certificate of Public Convenience and Necessity to allow the Company to provide facilities-based and resold local exchange telecommunications services within the State of Idaho. The Commission also approves Bandwidth.com’s request to waive the escrow and interest requirements outlined in Commission Order No. 2666, conditioned upon the Company’s express agreement to comply with said requirements if it elects to institute customer deposit accounts in the future.

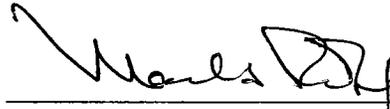
ORDER

IT IS HEREBY ORDERED that the Application of Bandwidth.com CLEC, LLC for a Certificate of Public Convenience and Necessity is granted to enable the Company to provide facilities-based and resold local exchange telecommunications services in the State of Idaho.

IT IS FURTHER ORDERED that the requirement to possess an escrow account is waived until such time as the Company begins to collect deposits from its customers.

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 5th day of June 2008.



MACK A. REDFORD, PRESIDENT

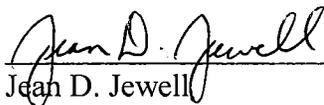


MARSHA H. SMITH, COMMISSIONER



JIM D. KEMPTON, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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