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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
BANDWIDTH.COM CLEC, LLC FOR A) **CASE NO. BND-T-07-1**
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE LOCAL)
EXCHANGE AND TELECOMMUNICATIONS) **COMMENTS OF THE**
SERVICES) **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. 30533 on April 17, 2008, submits the following comments.

BACKGROUND

On October 29, 2007, Bandwidth.com CLEC, LLC (“Bandwidth.com”), filed an Application for a Certificate of Public Convenience and Necessity to provide basic local telephone exchange service throughout the state of Idaho pursuant to Commission Order No. 26665. *Idaho Code* §§ 62-604 and 62-615; Order No. 26665; IDAPA 31.01.01.111.

Bandwidth.com will provide resold and facilities-based local exchange telecommunications services to both business and residential customers within the State of Idaho.

The Company will offer traditional voice services to customers using the public switched network and also offer services using Internet Protocol to provide voice over data applications.

Bandwidth.com will provide these services by entering into interconnection and service arrangements with Qwest Corporation.

Bandwidth.com's service territory will include all areas within the State of Idaho, except those areas currently being serviced by local exchange carriers ("LECs") that are eligible for a small or rural carrier exemption pursuant to Section 251 of the federal Telecom Act of 1996.

APPLICATION

Bandwidth.com is a Delaware corporation and lists its principal place of business as Cary, North Carolina. The Company states that it currently provides telecommunications services in the states of California, Florida, Illinois, New York, North Carolina, Ohio, Pennsylvania, and Texas. The Company intends to offer "traditional voice services to customers using the public switched network."

STAFF REVIEW

The Company initially filed its Application on October 29, 2007. After working with Staff to correct many issues, a final filing was submitted on March 25, 2008. The Company indicated that it does not intend to collect deposits and requests a waiver of the escrow account requirement. All other aspects of the Company's filing now comport with Idaho Statutes and the Commission's Rules.

Staff reviews all requests for a CPCN certificate pursuant to Idaho Code §§ 62-604; -615, IDAPA 31.01.01.111 and 112 (Rules 111 and 112), and Procedural Order No. 26665. To obtain a CPCN, an Applicant 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 advance deposits from its customers. Order No. 26665.

After reviewing the final filing of the Company, Staff has determined that the filing complies with the requirements of the Commission. Staff further believes that the Company possesses the requisite financial, managerial and technical qualifications necessary to operate as a provider of telecommunications services.

STAFF RECOMMENDATION

Based on its review of the Application, Staff recommends approval of the Application for a Certificate with a waiver of the escrow account requirement. In the future, should the Company decide to collect deposits, it must comply with the escrow requirements as well as the Commission's rules for interest on deposits.

Respectfully submitted this 8th day of May 2008.



Neil Price
Deputy Attorney General

Technical Staff: Carolee Hall

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 8TH DAY OF APRIL 2008, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. BND-T-07-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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SECRETARY

CERTIFICATE OF SERVICE