

DECISION MEMORANDUM

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

FROM: NEIL PRICE

DATE: MAY 22, 2008

SUBJECT: APPLICATION OF BANDWIDTH.COM CLEC, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY;
CASE NO. BND-T-07-01

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 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 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 Tarriff Filings.” *See id.* at 5; Revised Replacement Tarriff Filings on March 25, 2008.

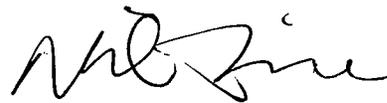
STAFF COMMENTS

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 (Rules 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 recommends 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 DECISION

Does the Commission wish to approve Bandwidth.com CLEC, LLC’s Application for a Certificate of Public Convenience and Necessity to provide facilities-based and resold local exchange telecommunications services within the state of Idaho? Does the Commission wish to waive the escrow account requirements outlined in Commission Order No. 26665?



Neil Price
Deputy Attorney General

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