

## **DECISION MEMORANDUM**

**TO:           COMMISSIONER KJELLANDER  
              COMMISSIONER SMITH  
              COMMISSIONER HANSEN  
              COMMISSION SECRETARY  
              COMMISSION STAFF  
              LEGAL**

**FROM:       DONOVAN E. WALKER**

**DATE:       DECEMBER 29, 2004**

**SUBJECT:   APPLICATION OF BULLSEYE TELECOM, INC. FOR A CERTIFICATE  
              OF PUBLIC CONVENIENCE AND NECESSITY, CASE NO. BUL-T-04-1.**

On October 15, 2004, BullsEye Telecom, Inc. filed an Application for a Certificate of Public Convenience and Necessity to provide basic resold and facilities-based local exchange services and resold interexchange services to both residential and business customers throughout Idaho. In the Notice of Application and Modified Procedure issued December 1, 2004, the Commission sought comments regarding BullsEye Telecom's Application. Order No. 29648. No comments were received other than those submitted by Commission Staff.

### **THE APPLICATION**

The Application requests authority for the Company to offer basic resold and facilities-based local exchange services and resold interexchange services to both residential and business customers throughout Idaho. BullsEye plans to offer local exchange services through the combination of its own facilities and an unbundled network element platform (UNE-P) through interconnection agreements with incumbent local exchange carriers (LECs). The Company intends to offer service immediately upon certification and approval of its interconnection agreement.

BullsEye is a Michigan corporation authorized by the Idaho Secretary of State to transact business in the State of Idaho. The Company is authorized to provide local exchange and interexchange services in approximately 36 states. The Company states in its Application that it has experience operating as a local exchange provider in several states and possesses considerable telecommunications expertise. The Application states that BullsEye's primary market is business customers, and they intend to provide network bundled telecommunications

services, which would include long distance service, local exchange service, and selected custom calling features. The Company intends to offer service in the geographic areas currently served by Qwest Corporation. The Application states that the Company will mirror the basic local calling scopes of the incumbent LECs. The Application requests waivers of any regulatory reporting requirements that, although applicable to incumbent LECs, are not applicable to competitive providers such as BullsEye.

#### **STAFF COMMENTS**

In its evaluation of the Company's Application, Staff determined that BullsEye Telecom, Inc. is incorporated in the State of Michigan and headquartered in Oak Ridge, Michigan. The Company is authorized to provide local exchange and interexchange services in 35 states. A Certificate of Authority to transact business as a foreign corporation from the Idaho Secretary of State was obtained on May 17, 2004. BullsEye has provided financial sheets for quarters ending December 31, 2002 and 2003 as well as the appropriate contact information for its registered agent for service of process within Idaho.

The Company plans to offer local exchange services primarily via an unbundled network platform. Interexchange services will be an adjunct to the local exchange services and the Company intends to commence offering service immediately upon certification and approval of its interconnection agreement.

Staff has reviewed the Application submitted by the Company and believes the Company understands and agrees to comply with the Commission rules and requirements. Based on this review, the Company's filing fulfils the requirements of the Commission Rules and Procedural Order No. 26665. The Staff believes that the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services. Therefore, the Staff recommends approval of the Application for a Certificate of Public Convenience and Necessity.

#### **COMMISSION DECISION**

Does the Commission wish to approve BullsEye Telecom Inc.'s Application for a Certificate of Public Convenience and Necessity?

  
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Donovan E. Walker