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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
BROADVIEW NETWORKS, INC. FOR A) CASE NO. BVN-T-09-01
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE LOCAL) COMMENTS OF THE
EXCHANGE TELECOMMUNICATIONS) COMMISSION STAFF
SERVICES WITHIN THE STATE OF IDAHO)
_____)**

The Staff of the Idaho Public Utilities Commission, by and through its Attorney of Record, Neil Price, Deputy Attorney General, in response to the Notice of Application and Notice of Modified Procedure, issued on February 17, 2010, Order No. 31008, submits the following comments.

BACKGROUND

On November 13, 2009, Broadview Networks, Inc. ("Broadview" or "Company") filed an Application for a Certificate of Public Convenience and Necessity, pursuant to Title 61 of the Idaho Code and IDAPA 31.01.01.111, to provide local exchange telecommunications services within the State of Idaho.

Broadview requests authority to allow the Company to offer its customers facilities-based and resold competitive local exchange and interexchange telecommunications services

throughout the entire State of Idaho, or to the extent the facilities of its underlying carriers permit.

Broadview states that it does not anticipate installing physical plant, fiber optic or copper cables within the state. The Company may “collocate switching, signaling systems and other equipment of ILEC and non-ILEC collocation facilities such as carrier hotels, and may lease capacity on fiber circuits from other carriers.”

Broadview will focus on providing service to small and medium-sized businesses and residential customers. Initially, the Company plans to offer basic two-way local residential and business service, supplemented by a variety of customer calling services (i.e., three-way calling, call forwarding, call waiting, distinctive ringing, and speed calling) and CLASS features (i.e., caller I.E., automatic redial/recall, and customer-originated trace).

Broadview envisions an expansion of these services “to include advanced telecommunications services, data services and private line services throughout the service area of the incumbent provider(s).”

Broadview’s proposed Idaho service territory will include areas being served by ILECs Qwest North, Qwest South and Verizon Northwest. The Company has yet to initiate negotiations with ILECs in Idaho.

The Applicant affirms that it has reviewed all of the Commission’s rules applicable to competitive local exchange telecommunications service providers and agrees to comply with those rules.

STAFF ANALYSIS

On November 13, 2009, the Company filed its original price list with its Application. Staff attempted to contact the Company many times regarding revisions that needed to be made. On January 13, 2010, the Company contacted Staff to discuss the revisions needed to bring the price list into compliance with Commission’s Rules and Idaho Statute. On January 26, 2010, Staff sent a follow-up letter to the Company outlining each revision that was needed before any further action could take place with the filing.

On February 3, 2010, the Company filed its final price list with instructions to replace the original price list filed on November 13, 2009. Staff complied with the Company’s request after reviewing the updated filing.

RECOMMENDATIONS

Staff recommends that Broadview Networks, Inc., be granted a CPCN subject to the following conditions:

1. The granting of this Certificate will be conditioned upon the Company complying with the Number Pool Administrator and Idaho Commission Order No. 30425, which requires NRUF and Utilization reporting.
2. As a provider of intrastate regulated local exchange services and in accordance with the Commission's Rules of Procedure, Broadview will be required to report and contribute, as appropriate, to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, ITSAP and any requisite annual reporting that may be deemed appropriate in the future for competitive telecommunications providers.
3. Upon issuance of the Certificate, Broadview shall file a completed and final price list with all rates, terms and conditions to have on file with the Commission.
4. If Broadview is not actively doing business in Idaho one year after the issuance of its Certificate, the Company shall relinquish its Certificate until such time as it is ready to perform Telecommunications services in Idaho.

Respectfully submitted this 10th day of March 2010.



Neil Price
Deputy Attorney General

Technical Staff: Carolee Hall

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 10TH DAY OF MARCH 2010, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. BVN-T-09-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

ART GAIRO
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SECRETARY

CERTIFICATE OF SERVICE