

DECISION MEMORANDUM

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

FROM: LISA NORDSTROM

DATE: AUGUST 23, 2004

**RE: IN THE MATTER OF THE APPLICATION OF COMTECH 21, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES. CASE NO.
CME-T-04-1.**

On February 12, 2004, Comtech 21, LLC ("Comtech 21" or "Company") filed an Application for a Certificate of Public Convenience and Necessity to resell and provide facilities-based local exchange services throughout the State of Idaho. In the Notice of Application and Modified Procedure issued July 26, 2004, the Commission solicited comments regarding Comtech 21's Application. Order No. 29548. No comments were received other than those submitted by Commission Staff.

THE APPLICATION

According to its Application, Comtech 21 intends to provide resold and facilities-based local exchange services utilizing the unbundled network element platforms ("UNE-P"). Such services will be provided by utilizing the facilities of incumbent local exchange carriers ("LECs") Qwest Corporation and Verizon, as well as unbundled network elements. However, the Company does not intend to service areas serviced by any LECs that are eligible for a small or rural carrier exemption pursuant to Section 251 of the federal Telecom Act of 1996. Although it had not initiated interconnection or resale negotiations at the time of its Application, Comtech 21 intends to provide service upon certification and finalization of interconnection agreements with the LECs.

The Company has no current plans to install facilities in Idaho but may do so in the future. However, the nature and extent of the facilities to be utilized has yet to be determined.

Comtech 21 intends to provide all forms of intrastate local exchange telecommunications services including: 1) local exchange services for business and residential customers that will enable customers to originate and terminate local calls in the local calling area served by other LECs, including local dial tone and custom calling features; 2) switched local exchange services such as flat-rated and measure-rated local services, vertical services, direct inward and outward dialed trunks, carrier access, public and semi-public coin telephone services, and any other switched local services that currently exist or will exist in the future; 3) non-switched local services (e.g., private line) that currently exist or will exist in the future; 4) Centrex and/or Centrex-like services that currently exist or will exist in the future; and 5) digital subscriber line, ISDN, and other high capacity line services.

Comtech 21 will not require advance payments or deposits. Therefore, no escrow account was filed. Comtech 21 stated that it has reviewed the Commission's laws and regulations applicable to local exchange service providers in Idaho and agrees to provide service in accordance with all laws, rules and regulations to the extent they are not preempted by the federal Act.

STAFF COMMENTS

In its evaluation of the Company's CPCN Application, Staff determined that Comtech 21 is incorporated in the State of Delaware and headquartered in Wallingford, Connecticut. The Company has obtained a Certificate of Authority to transact business as a foreign corporation from Idaho's Secretary of State. Although the Company does not maintain an office in Idaho, it does have a registered in-state agent. Comtech 21 has submitted its financials for the period ending September 30, 2003. Staff reviewed these documents and believes the Company is solvent.

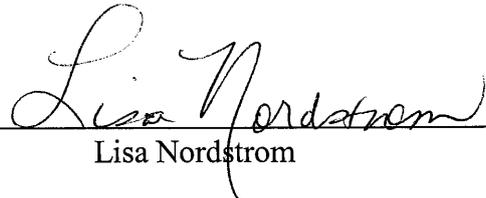
With this Application, Comtech 21 proposes to provide resold residential and business local exchange services, private line services, Centrex, and high capacity data services along with optional services such as Caller ID and Call Waiting in Idaho's Qwest and Verizon service areas. The Company does not propose to require separate deposits at this time. The Company has obtained an interconnection agreement with Qwest in Idaho.

Comtech 21 has been granted authority to provide local exchange service in several other states such as Delaware and Ohio, and has an active long distance price list on file with this Commission. Comtech 21 also states that it has reviewed the rules of this Commission and affirms its commitment to abide by them.

Staff has reviewed the Application submitted by Comtech 21, LLC and believes the Company understands and agrees to comply with the Commission's rules and requirements. Based on this review of Comtech 21's Application, Staff believes that the Company's filing has satisfied all the requirements of the Commission's Rules and Procedural Order No. 26665. Therefore, Staff recommends approval of the Application for Certificate of Public Convenience and Necessity.

COMMISSION DECISION

Does the Commission wish to approve Comtech 21, LLC's Application for a Certificate of Public Convenience and Necessity?



Lisa Nordstrom

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