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Attorney for the Commission Staff

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )**  
**ELTOPIA COMMUNICATIONS LLC FOR A )** **CASE NO. ECL-T-07-1**  
**CERTIFICATE OF PUBLIC CONVENIENCE )**  
**AND NECESSITY TO PROVIDE LOCAL )**  
**EXCHANGE AND TELECOMMUNICATIONS )** **COMMENTS OF THE**  
**SERVICES )** **COMMISSION STAFF**  
**)**  

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**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 in Order No. 30401 issued on August 10, 2007, submits the following comments.

**BACKGROUND**

On June 6, 2007, Eltopia Communications LLC (“Ektopia”) 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.

The application indicates Ektopia has adopted the terms of the Interconnection Agreement between Northwest Telephone, Inc. and Verizon Northwest, Inc. The Commission approved the underlying agreement in Case No. VZN-T-04-05.

In its application, Eltopia states it has provided wholesale communications services within the State of Washington since 2006 and that the Company specializes in offering a variety of services built on TDM to IP conversion, including dial-up Internet, Fax over IP and Voice over IP, primarily to regional Internet service providers. The Company intends to offer the same services in Idaho and later expand to offer Voice over IP services to retail and business customers.

Eltopia's service territory within Idaho will coincide with that of Verizon Northwest Inc.'s Coeur d'Alene tandem, and include the following northern Idaho counties: Boundary, Bonner, Kootenai, Benewah and Shoshone.

### **STAFF REVIEW**

Staff has reviewed the information provided by Eltopia in its Application and believes it satisfies the requirements of the Commission's Rule of Procedure 111, IDAPA 31.01.01.111, and Procedural Order No. 26665 issued November 7, 1996, which sets out the necessary information to be included with an application for a certificate. Eltopia's Application includes all of the required information.

The Application stated Eltopia will offer telecommunications services using its own switch, and a combination of its own facilities and those of the underlying carrier, Verizon. In discussions with Staff, the Company indicated it will primarily provide high speed data services and conversion to IP services that do not require certification. However, Eltopia's service has the capability to provide both voice and data services over the same trunk, and in some cases, the customer may desire fewer than five voice lines, which would qualify as basic local exchange service. Therefore, the Company is seeking Certification so that it has the flexibility to configure its service however the customer may desire.

The Application included unaudited financial information for 2006 and partial information for 2007. Staff is satisfied that the Company has the technical, managerial and financial strength to provide the services identified in the Application.

Eltopia specifically stated in its Application it will comply with all Commission rules. It has provided an illustrative tariff with its Application that demonstrates an understanding of tariff requirements and processes. The Company will not require advance deposits by its customers and therefore did not submit an executed copy of an escrow account.

**STAFF RECOMMENDATION**

Staff recommends that a Certificate of Public Convenience and Necessity to provide competitive local exchange service in Idaho be granted to Eltopia Communications, LLC.

Respectfully submitted this 31<sup>st</sup> day of August 2007.

  
607 Neil Price / ISB # 1895  
Deputy Attorney General

Technical Staff: Wayne Hart

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 31<sup>ST</sup> DAY OF AUGUST 2007, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. ECL-T-07-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

WILL L. MacHUGH  
VICE PRESIDENT  
ELTOPIA COMMUNICATIONS  
PO BOX 240  
ELTOPIA WA 99330

  
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SECRETARY

CERTIFICATE OF SERVICE