

KIRA DALE PFISTERER
DEPUTY ATTORNEY GENERAL
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0314
IDAHO BAR NO. 6571

RECEIVED
FILED
2005 JUN 29 AM 10: 52
IDAHO PUBLIC
UTILITIES COMMISSION

Street Address for Express Mail:
472 W. WASHINGTON
BOISE, IDAHO 83702-5983

Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
ERNEST COMMUNICATIONS, INC. FOR A)	CASE NO. ERN-T-05-1
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE LOCAL)	
EXCHANGE AND TOLL SERVICES WITHIN)	
THE STATE OF IDAHO.)	COMMENTS OF THE
)	COMMISSION STAFF
)	
)	

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, Kira Dale Pfisterer, Deputy Attorney General, and in response to the Notice of Application and Notice of Modified Procedure issued in Order No. 29796 on June 8, 2005, submits the following comments.

BACKGROUND

On March 14, 2005, Ernest Communications, Inc. filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange services to residential and business customers within the State of Idaho. The Company amended its Application with several replacement pages filed with the Commission on April 29, 2005.

STAFF ANALYSIS

Staff reviews all requests for a CPCN certificate pursuant to *Idaho Code* §§ 61-526 through -528, IDAPA 31.01.01.111 and 112 (Rules 111 and 112), and Procedural Order No. 26665. In order to be issued a CPCN, a public utility must provide the Commission with the following information: (1) name, address, and form of business; (2) the date on which the applicant proposes to begin construction or anticipates that it will provide service, including a written description of customer classes and services proposed to be offered; (3) the proposed service territory; (4) certain financial information; (5) maps regarding the proposed service area; (6) a proposed initial tariff and price sheets; (7) contact information; (8) interconnection agreements if any; (9) an agreement to comply with the Commission's Rules; and (10) an escrow account with a bonded escrow agent if the company requires advanced deposits from its customers. Order No. 26665.

Ernest is a Georgia corporation authorized by the Idaho Secretary of State to transact business within the State of Idaho. Ernest currently provides service in 21 states, including Alabama, Arizona, California, Colorado, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, and Washington.

Ernest intends to provide the following local exchange services to residential and business customers: basic local service, PBX trunk service, Direct Inward Dialing, and listing services. The Company plans to offer these local exchange services primarily through the purchase of unbundled network element platform (UNE-P) or its equivalent through interconnection agreements with the incumbent local exchange carrier, Qwest. Ernest will also offer optional calling services and interexchange toll services.

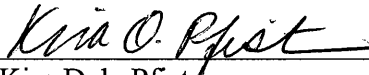
Along with the illustrative tariff, Ernest filed the requisite financial information, a proposed service area map, and contact information. In addition, Ernest agrees to comply with the Commission's Rules and has been responsive to Staff's inquiries.

STAFF RECOMMENDATION

Staff finds that the Company's filing fulfils the requirements of the *Idaho Code*, the Commission's rules, and Procedural Order No. 26665. Staff believes that the Company understands and agrees to comply with the Commission rules and requirements. Staff further

believes the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services. Therefore, Staff recommends approval of the Application for a Certificate of Public Convenience and Necessity.

Respectfully submitted this 29th day of June 2005.



Kira Dale Pfister
Deputy Attorney General

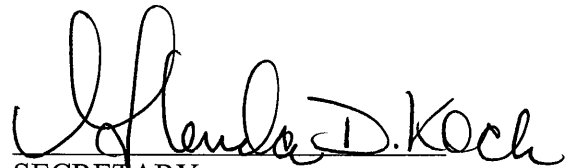
Technical Staff: Grace Seaman

i:\umisc:comments\ermt05.1kdpgs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 29TH DAY OF JUNE 2005,
SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE
NO. ERN-T-05-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE
FOLLOWING:

CAREY ROESEL
CONSULTANT
TECHNOLOGIES MANAGEMENT INC
PO BOX 200
WINTER PARK FL 32789


SECRETARY

CERTIFICATE OF SERVICE