

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**OF EXTREME MEDIA TECHNOLOGIES )** **CASE NO. EXT-T-05-1**  
**INC. DBA XMT3 FOR A CERTIFICATE OF )**  
**PUBLIC CONVENIENCE AND NECESSITY )** **NOTICE OF APPLICATION**  
)  
) **NOTICE OF MODIFIED**  
) **PROCEDURE**  
)  
) **ORDER NO. 29944**  
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On June 2, 2005, Extreme Media Technologies Inc. dba XMT3 (Company) filed an Application for a Certificate of Public Convenience and Necessity with the Idaho Public Utilities Commission (Commission). The Application seeks authority for the Company to provide local exchange telecommunications services using IP voice over private networks within the State of Idaho in areas where Qwest is currently designated as the incumbent local exchange carrier. In this Order the Commission establishes a review period and written comment deadline.

**THE APPLICATION**

YOU ARE HEREBY NOTIFIED that Extreme Media Technologies Inc. dba XMT3 states it is a privately held corporation authorized by the Idaho Secretary of State to transact business in the State of Idaho. The Company states that it seeks to provide integrated voice and data services utilizing its engineered IP voice over private networks in order to provide consumers with a choice for their voice and data needs. The Company states it will compete primarily with Qwest and Electric Lightwave for voice services in all local areas where service is provided by Qwest specifically in Boise, Meridian, Nampa, Eagle, Caldwell, Twin Falls, Idaho Falls, Pocatello, Burley, Coeur d'Alene, and Jerome. The Company states it will seek to utilize incumbent resold retail network elements platform, which will be purchased or leased from Qwest, Electric Lightwave, Time Warner, and Global Crossings. The Company states it is currently providing service in the State of Wyoming and intends to initiate applications for authority to operate in California, Oregon, Washington, and Montana.

YOU ARE FURTHER NOTIFIED that the Application and supporting workpapers, testimonies and exhibits have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. The Application and testimonies (excluding exhibits) are also available on the Commission's website at [www.puc.idaho.gov](http://www.puc.idaho.gov) under the "File Room" icon and then "Telephone Cases."

### NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the filing of record in Case No. EXT-T-05-1. The Commission has preliminarily determined that the public interest may not require a hearing to consider the issues presented in this case and that issues raised by the Company's filing may be processed under **Modified Procedure**, i.e., by written submission rather than by hearing. IDAPA 31.01.01.201-204. In so doing, the Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that the Commission may not hold a hearing in this proceeding unless it receives written protests or comments opposing the use of Modified Procedure and stating why Modified Procedure should not be used. IDAPA 31.01.01.203.

YOU ARE FURTHER NOTIFIED that if no protests or written comments are received within the deadline the Commission will consider the matter and enter its Order without a hearing. If protests or comments are filed within the deadline, the Commission will consider them and may, in its discretion, set the matter for hearing or decide the matter and issue its Order on the basis of the written positions before it. IDAPA 01.01.01.204.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and specifically *Idaho Code* §§ 61-526 through 61-528. The Commission may enter any final Order consistent with its authority under Title 61.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

### NOTICE OF COMMENT/PROTEST DEADLINE

YOU ARE FURTHER NOTIFIED that **the deadline for filing written comments or protests** with respect to the Application and the Commission's use of Modified Procedure in

Case No. EXT-T-05-1 is **Monday, January 30, 2006**. Persons desiring a hearing must specifically request a hearing in their written protests or comments.

YOU ARE FURTHER NOTIFIED that written comments concerning this case should be mailed to the Commission and to the Company at the addresses reflected below.

Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

Street Address For Express Mail:  
472 W. Washington Street  
Boise, ID 83702-5983

Kirk Adkison  
Extreme Media Technologies, Inc.  
280 N. Maple Grove Road  
Boise, ID 83704  
E-mail: [kirk@xmt3.com](mailto:kirk@xmt3.com)

Molly O'Leary  
Richardson & O'Leary, PLLC  
PO Box 7218  
Boise, ID 83707  
E-mail: [molly@richardsonandoleary.com](mailto:molly@richardsonandoleary.com)

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's homepage located at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this document. These comments must also be sent to the Applicant at the addresses listed above.

#### **FINDINGS/CONCLUSIONS**

The Commission has preliminarily determined that the public interest may not require a hearing to consider the issues presented in this case, and that issues raised by the Company's filing may be processed under **Modified Procedure**, i.e., by written submission rather than by hearing. IDAPA 31.01.01.201-204. In so doing, the Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

#### **ORDER**

IT IS HERBY ORDERED that this case be processed under Modified Procedure. Persons interested in submitting written comments regarding this case or protesting the use of Modified Procedure should do so no later than January 30, 2006.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 6<sup>th</sup>  
day of January 2006.



PAUL KJELLANDER, PRESIDENT



MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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