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Attorney for the Commission Staff

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)	
)	COMMENTS OF THE
)	COMMISSION STAFF
)	

The Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Donovan E. Walker, Deputy Attorney General, in response to the Notice of Application and Notice of Modified Procedure in Order No. 29944 issued on January 6, 2006, submits the following comments.

INTRODUCTION

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. Staff recommends approval of the Company's Amended Application filed on January 5, 2006.

BACKGROUND

Staff reviews all requests for a CPCN certificate pursuant to Idaho Code §§ 61-526 through – 528, IDAPA 31.01.01.111 and 112 (Rule 111 and 112), and Procedural Order No. 26665. To obtain a CPCN, an Applicant 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.

On January 12, 2005, the Company filed its original Application and illustrative price list. However, shortly after it submitted its filing the Company requested that it wished to withdraw the filing as it may have contained sensitive and confidential information.

On June 2, 2005, the Company resubmitted its filing. Staff reviewed the Company's filing and found that there were numerous inadequacies in the Application and illustrative price list. On June 7, 2005, Staff prepared a letter setting out revisions that were necessary to bring the price list and Application into compliance with Idaho Statute and the Commission's Customer Relations Rules. A redlined version of the Company's June Application and price list were enclosed with Staff's letter. Staff also provided links to the Commission's home page where the Company could review the rules and statutes that pertain to Certificate filings.

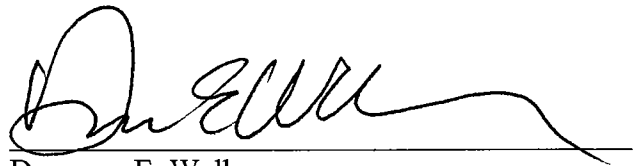
On September 2, 2005, the Company submitted a filing that was still inadequate and did not comply with the Commission's Customer Relation's Rules. On October 17, 2005, Staff again sent a letter to the Company regarding the inadequacies of the third filing so as to bring the filing into compliance with the Commission's Rules and Idaho Statute.

The Company, having retained the assistance of counsel, filed a final version of the Amended Application and Price List on January 5, 2006. Staff met and worked with the Company's Counsel, including the review of a draft Application and Price List, prior to the Company's final submission on January 5, 2006.

STAFF RECOMMENDATION

Staff has reviewed the final filing presented on January 5, 2006, and has determined that the Company's filing now complies with the requirements of the Commission. Staff further believes that the Company understands and agrees to comply with the Commission rules and requirements. Staff recommends approval of Extreme Media Technologies, Inc. dba XMT3's Application for a Certificate of Public Convenience and Necessity.

Respectfully submitted this 30th day of January 2006.

A handwritten signature in black ink, appearing to read "Donovan E. Walker", written over a horizontal line.

Donovan E. Walker
Deputy Attorney General

Technical Staff: Carolee Hall

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 30TH DAY OF JANUARY 2006, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. EXT-T-05-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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