

DECISION MEMORANDUM

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

FROM: LISA NORDSTROM

DATE: NOVEMBER 6, 2003

**RE: IN THE MATTER OF THE APPLICATION OF ALTICOMM, INC. FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY. CASE NO.
GNR-T-03-6.**

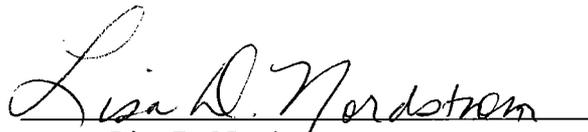
On January 22, 2003, AltiComm, Inc. filed an Application for a Certificate of Public Convenience and Necessity to resell basic local exchange service within the State of Idaho. The Commission issued a Notice of Application and Modified Procedure on September 25, 2003. Order No. 29338. In comments filed October 16, 2003, Staff recommended denial of the Application due to AltiComm's troubled financial condition. Although AltiComm expects to receive an influx of venture capital in the short term, the Company requested leave to withdraw its Application without prejudice in the attached email dated November 4, 2003. AltiComm indicated that it plans to refile its Application as soon as the funding has been finalized and received.

STAFF RECOMMENDATION

Staff recommends the Commission approve the Company's request to withdraw its Application and that Case No. GNR-T-03-6 be closed.

COMMISSION DECISION

Does the Commission wish to allow AltiComm, Inc. to withdraw its Application without prejudice, thus closing the case?



Lisa D. Nordstrom

Lisa Nordstrom

From: Birdelle Brown
Sent: Tuesday, November 04, 2003 10:02 AM
To: Lisa Nordstrom
Subject: FW: Alticomm Application for CPCN - Idaho

-----Original Message-----

From: Cornblatt, Jim [mailto:jim.cornblatt@alticomm.com]
Sent: Tuesday, November 04, 2003 8:40 AM
To: Birdelle Brown
Cc: mhaab@nbgllaw.com; Stern, Allan; Bok, Alex; Richard Berenson (E-mail)
Subject: RE: Alticomm Application for CPCN - Idaho

Birdelle:

Per your voicemail last Friday and in accordance with my voicemail yesterday, this will confirm that AltiComm desires to withdraw its Application for CPCN in Idaho, without prejudice. As we discussed, we have received a term sheet for funding by a respected venture capital firm and that funding would, we believe, alleviate staff's concern as to AltiComm's finances. However, since we cannot be certain when the actual funds will arrive (and, historically, virtually all funding takes longer than promised), we do not want to ask the Commission for a short delay when we cannot be certain that a short delay will be sufficient. As we discussed, we expect to re-file again in the very near future, hopefully before the end of this year, as soon as the funding has been finalized and received.

Thank you for your help and attention to this Application and please let me know if something more formal than this e-mail is necessary to withdraw the Application. I will advise when we are ready to re-file.

Jim Cornblatt
 AltiComm, Inc.
 115 Shawmut Road
 Canton, MA 02021
 781-989-4500 ext.165 (V)
 781-575-9221 (F)

-----Original Message-----

From: Birdelle Brown [mailto:bbrown@puc.state.id.us]
Sent: Friday, October 17, 2003 3:27 PM
To: mhaab@nbgllaw.com; jim.cornblatt@east-tel.com
Cc: Lisa Nordstrom
Subject: Alticomm Application for CPCN - Idaho

I am emailing each of you a courtesy copy of my comments to the Commission regarding your Application. My purpose for this is to give you an opportunity to file reply comments. While this is not a routine procedure, we feel that you ought to have the opportunity to address the concerns I included in my comments.

If you choose to file reply comments, please have them delivered to us by October 27. (If you need more time than this, please let me know). With or without your reply comments (or request for a later date), we will seek a decision from the Commission at that time regarding your application.

Birdelle Brown

11/5/2003

Idaho Public Utilities Commission
208-334-0352
<mailto:bbrown@puc.state.id.us>