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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
IDAHO BIG SKY TELECOM FOR A) CASE NO. GNR-T-03-15
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE LOCAL)
EXCHANGE TELECOMMUNICATIONS) COMMENTS OF THE
SERVICES.) COMMISSION STAFF
_____)

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, Donald L. Howell, II, Deputy Attorney General, and submits the following comments in response to the Notice of Application and Notice of Modified Procedure in Order No. 29319 issued on August 20, 2003.

THE APPLICATION

On April 25, 2003, Idaho Big Sky Telecom (IBST), a partnership, filed an Application for a Certificate of Public Convenience and Necessity to provide local, long-distance, cellular and Internet services within the State of Idaho. Idaho Big Sky Telecom is the assumed name for the Idaho operation of Big Sky Telecom, which is located in Hallandale, Florida and operates as a General Partnership. IBST indicates in its Application that it will provide "local, long distance, cellular and Internet services, to both businesses and households." It does not anticipate

constructing any facilities in Idaho, and will primarily operate via resale of the services of the underlying local exchange company. It has applied for a certificate to provide service throughout the state, but has indicated it will initially limit its operations to the service area of Qwest, and will not expand into the service area of the independent rural telephone companies until such areas are opened to competition by action of the Commission.

DISCUSSION

Staff has reviewed the information provided by IBST in its Application and believes it minimally 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. This procedural Order sets out the necessary information to be included with an application for a certificate.

The Application includes an un-audited combined balance sheet for Big Sky Partnership and Idaho Big Sky Partnership, as well as a statement of revenues and expenses for the first three months of 2003. The balance sheet is primarily comprised of the assets claimed by the partners. The Company reported no income on the statement of revenues and expenses.

The Application did not identify any relevant telecommunications industry experience of the Company officials.

Staff notes that this is not the only telecommunications carrier with the words "Big Sky" in its name to seek to provide telecommunications services in Idaho. Big Sky Telecom, Inc., from Emmett, has an existing certificate to provide service, primarily in southwestern Idaho. Big Sky Telecom filed comments opposing Idaho Big Sky Telecom's Application because of the confusion that may arise if another firm with "Big Sky" in its name was allowed to operate in Idaho. The Secretary of State's Office no longer operates as the "gatekeeper" of similar business names. Registering an "assumed business name" as IBST has done does not authorize business operations. Use of a similar business name may be viewed as an unfair business practice if the similarity in names causes customer confusion.

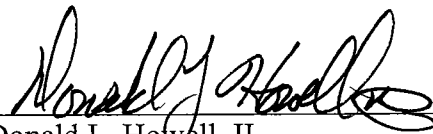
RECOMMENDATION

As Staff indicated, the Company's Application included all the information required by the Commission for a certificate. However, IBST's Application fails to identify sufficient telecommunications experience to demonstrate they can operate competently.

Staff does not believe the Application demonstrates that this company has the financial ability to adequately provide the services it has indicated it intends to provide. It's financial information was not audited, and did not show any previous telecommunications sales revenues. Although the Company will operate via resale of the services of the underlying carrier, the costs of simply acquiring customers are considerable. Even if all the available capital identified in the Application were dedicated to Idaho (and the Application does not indicate such), Staff does not believe it is sufficient to support the proposed operation through to profitability. Therefore, Staff does not believe the approval of this Application would be in the public interest.

On September 10, 2003, the Company president, Nick Cunio, contacted Staff and indicated it intended to submit additional information to address Staff's concerns. Staff may seek an opportunity to comment on any additional information the Company may file.

Respectfully submitted this day of September 2003.



Donald L. Howell, II
Deputy Attorney General


Technical Staff: Wayne Hart

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 10TH DAY OF SEPTEMBER 2003, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. GNR-T-03-15, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

CARMINE RUSSO
PARTNER
IDAHO BIG SKY TELECOM
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SECRETARY