

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF AN INVESTIGATION)
OF AN APPROPRIATE CERTIFICATION)
PROCESS FOR TELECOMMUNICATIONS)
COMPANIES THAT DO NOT PROVIDE)
BASIC LOCAL EXCHANGE SERVICE)
)
)
)**

CASE NO. GNR- T-11-01

**COMMENTS OF AT&T
COMMUNICATIONS OF THE
MOUNTAIN STATES, INC.**

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IDAHO PUBLIC
UTILITIES COMMISSION

AT&T Communications of the Mountain States, Inc., on behalf of itself and its affiliates, (“AT&T”) hereby files its comments in the above-captioned proceeding. Although the Idaho Public Utilities Commission (“Commission”) has not contacted AT&T to revoke a Certificate of Public Convenience and Necessity (“CPCN”), AT&T has followed with interest the Commission’s Order No. 32059 in Case No. TIM-T-08-01.

It is AT&T’s position that a CPCN is not the solution for providers that do not offer basic local service as defined in Idaho Code §62-603(1).¹ Instead, AT&T suggests the Commission should have a registration process for providers of service that do not meet the definition of basic local service, such as a wholesale company providing telecommunications service. To register, a company would need to provide basic information, such as that already required in Idaho Code §62-604(1)(b) (name , address, description of telecommunications services offered and the area served). The Commission would then issue the company a registration number. While AT&T does not believe a CPCN or a registration number is required to obtain telephone numbers or an interconnection agreement, a simple registration number will likely facilitate the process.

¹ Basic local exchange service is defined as “the provision of access lines to residential and small business customers with the associated transmission of two-way interactive switched voice communication within a local exchange calling area”.

Numbering Resources:

AT&T believes that this registration process and the issuance of a registration number would facilitate the process for companies that do not meet Idaho's definition of a basic local exchange service provider to obtain telephone numbers. The applicable Federal Communications Commission ("FCC") regulation for obtaining number resources provides:

Applications for initial number resources shall include evidence that (i) the applicant is authorized to provide service in the area for which the numbering resources are being requested; and (ii) the applicant is or will be capable of providing service within sixty days of the number resources activation date.²

While AT&T believes that in Idaho a provider that is a telephone corporation, but does not meet the definition of a provider of basic local exchange service, should be able to point to Idaho Code §62-604(1) to demonstrate that the applicant is authorized to provide service in an area, the issuance of a registration number by the Commission would likely expedite the process. In addition, this would provide evidence to Neustar, which oversees the allocation of numbering resources, that the provider is authorized to provide service in an area. Further, it would conform with Neustar's PAS User Guide which provides:

If the request [to obtain numbers] is specified as initial, evidence of license or certification to provide service in the area and evidence of facilities readiness within 60 days of the block activation date is required.³

A telephone corporation that receives numbering resources shall be subject to all of the FCC's numbering requirements which are contained in Part 52 of the FCC's rules. Further, the Commission should have all of the rights and responsibilities arising from that same section.

² 47 CFR 52.15(g)(2)

³ Neustar PAS User Guide, page 109.

Interconnection Agreements:

While AT&T does not believe that a CPCN or registration number is required from the Idaho Commission to obtain an interconnection agreement, providing a registration number for those telephone corporations that do not provide basic local exchange service would facilitate the process. The FCC previously addressed the issue regarding interconnection rights for wholesale telecommunications providers in response to a petition for declaratory ruling filed by Time Warner Cable (“TWC”) requesting that the FCC declare that wholesale telecommunications carriers are entitled to interconnect and exchange traffic with incumbent local exchange carriers (“ILECs”) when providing services to other service providers, including VoIP service providers pursuant to sections 251(a) and (b) of the Communications Act of 1934, as amended (the “Act”).⁴ The FCC granted TWC’s Petition finding that wholesale providers of telecommunications services are telecommunications carriers for the purpose of section 251(a) and (b) of the Act, and are entitled to the rights of telecommunications carriers under that provision.⁵ The rationale provided by the FCC was that the Act does not differentiate between retail and wholesale services when defining “telecommunications carrier” and therefore “providers of wholesale telecommunications services enjoy the same rights as any ‘telecommunications carrier’ under those provisions of the Act.”⁶ The FCC found that the

⁴ See *Petition of Time Warner Cable for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP Providers*, WC Docket No. 06-55 (filed Mar. 1, 2006) (“Petition”); 47 U.S.C. §251; Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) (1996 Act or the Act).

⁵ See *In the Matter of Time Warner Cable Request for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection Under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP Providers*, Memorandum Opinion and Order, WC Docket No. 06-55, DA 07-709 (rel. March 1, 2007).

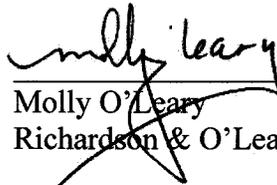
⁶ *Id.*, para. 9.

statutory classification of the end-user, and the classification of VoIP is not dispositive of the wholesale carrier's rights under section 251.

Conclusion:

For the foregoing reasons, AT&T believes that a simple registration process and the Commission issuance of a registration number would facilitate the ability of providers that do not provide basic local exchange service to receive telephone numbers and interconnection agreements.

Respectfully submitted:



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Attorneys for AT&T Communications of
the Mountain States, Inc.

CERTIFICATE OF SERVICE

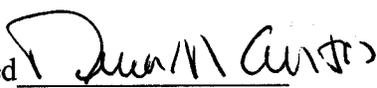
I HEREBY CERTIFY that on this 28th day of March, 2011, I caused a true and correct copy of the foregoing **COMMENTS OF AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.**, to be served by the method indicated below, and addressed to the following:

Jean Jewell
Idaho Public Utilities Commission
472 West Washington Street
Boise, Idaho 83702

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
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Weldon Stutzman
Idaho Public Utilities Commission
472 West Washington Street
Boise ID 83702

- U.S. Mail, Postage Prepaid
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Signed 
Nina M. Curtis