

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
COMM SOUTH COMPANIES, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
_____)**

CASE NO. GNR-T-99-12
ORDER NO. 28243

On July 26, 1999, the Commission received an Application from Comm South Companies, Inc. for a Certificate of Public Convenience and Necessity to provide resold basic local exchange service as a competitive local carrier within the state of Idaho on a prepaid basis. Application at 1 and 2.

In Order No. 28222 issued November 29, 1999, the Commission found that this matter could be processed under Modified Procedure and requested interested persons file written comments regarding the Application by December 20, 1999. Only Staff filed comments on December 20, 1999.

Based upon a review of the Application and the Staff's comments, the Commission grants Comm South's Application.

BACKGROUND

On July 26, 1999, Comm South Companies, Inc. filed an Application for a Certificate of Public Convenience and Necessity in compliance with Commission Rules of Procedures, IDAPA 31.01.01.111 and Procedural Order No. 26665. Comm South is seeking authorization to provide prepaid local exchange service to Idaho customers on a resale basis pursuant to Title 61 of the Idaho Code within the state of Idaho.

Comm South was incorporated in the state of Texas on March 17, 1995, as Onyx Distributing Company, Inc. and subsequently changed its name to Comm South Companies, Inc. and is authorized to do business in Idaho. As of November 1999, Comm South became a wholly owned subsidiary of Topp Telecom, Inc. As part of its Application, Comm South submitted financial information for its parent, Topp Telecom.

Comm South will do no consumer credit checking or application screening because all services will be prepaid. Comm South is authorized to provide service in 30 states. It has

applications pending to provide resold local service in Arizona and New Mexico. It is also authorized to provide resold local service through wholly owned subsidiaries (Georgia Comm South, Inc. and E-Z Tel, Inc.) in Georgia, North Carolina and South Carolina. Its wholly owned subsidiary, Comm South Companies of Virginia, Inc., has a pending Application to provide resold local service in Virginia. It alleges that it has never been denied a certificate by any state.

STAFF RECOMMENDATION

Staff reviewed the Application submitted by Comm South and believes Comm South understands the Commission's rules and requirements. Specific to prepaid arrangements, Staff reviewed Comm South's notification and billing procedure and found they comply with Idaho Customer Relations Rules IDAPA 31.41.01.202 and 304.

As of November 1999, Comm South became a wholly owned subsidiary of Topp Telecom, Inc. As part of its Application, Comm South submitted financial information for its parent, Topp Telecom. Staff reviewed those financials. Based on the financials presented and the lack of business history in Idaho, Staff required and received evidence of a \$50,000 indemnity bond for Comm South payable to the Idaho Public Utilities Commission. Based on Staff's review of Comm South's Application, Staff found that Comm South meets the requirements of the Commission's Rules and Procedural Order No. 26665. Therefore, Staff recommends approval of Comm South's Application for a Certificate of Public Convenience and Necessity.

COMMISSION FINDINGS

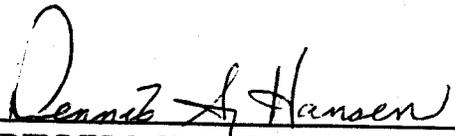
Based on the Commission's review of the record and Staff's comments, the Commission finds that Comm South's Application complies with Procedural Order No. 26665 and the Commission's Rules to obtain a Certificate of Public Convenience and Necessity. The Commission further finds that those conditions recommended be imposed by the Staff are appropriate and in the public's interest. The Commission therefore approves Comm South's Application for a Certificate to provide local exchange service in the state of Idaho subject to the existence of a \$50,000 indemnity bond for Comm South payable to the Idaho Public Utilities Commission.

ORDER

IT IS HEREBY ORDERED that Comm South Companies, Inc. is granted a Certificate of Public Convenience and Necessity to provide local telecommunications service throughout the state of Idaho.

THIS IS A FINAL ORDER. Any person interested in this Order or in interlocutory Orders previously issued in this Case No. GNR-T-99-12 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. GNR-T-99-12. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29th day of December 1999.


DENNIS S. HANSEN, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


PAUL KJELLANDER, COMMISSIONER

ATTEST:


Myrna J. Walters
Commission Secretary

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