

DECISION MEMORANDUM

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

FROM: JOHN HAMMOND

DATE: MAY 6, 2004

SUBJECT: IN THE MATTER OF THE APPLICATION OF IDACOMM FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO
PROVIDE BASIC LOCAL EXCHANGE SERVICES IN THE STATE OF
IDAHO. CASE NO. IZ2-T-04-1.

On March 12, 2004, IDACOMM, Inc. filed an Application for a Certificate of Public Convenience and Necessity to provide resold and facilities-based local exchange services and emerging telecommunications services throughout the State of Idaho. IDACOMM is a wholly-owned subsidiary of IDACORP, Inc. IDACOMM operates as a separate entity from its parent corporation and is organized under the laws of the State of Idaho. The Company has also filed a copy of its Certificate of Authority to transact business in the State of Idaho issued by the Idaho Secretary of State. IDACOMM currently provides advanced data communications and Internet services in Idaho, and currently operates high-speed fiber optic rings in Ada and Canyon Counties.

On March 22, 2004, the Commission issued Notice of Application and Notice of Modified Procedure in this case. Order No. 29450. On April 12, 2004, the Commission Staff submitted written comments on IDACOMM's Application. On April 20, 2004 the Idaho Telephone Association ("ITA") filed written comments.

IDAHO TELEPHONE ASSOCIATION COMMENTS

ITA stated that any grant of a CPCN to IDACOMM should be made expressly subject to the exemption of ITA members from the obligations of incumbent local exchange carriers under Section 251(c) of the 1996 Act, until such time as the requirements for lifting such exemption contained in Section 251(f) of the 1996 Act have been met.

STAFF REVIEW AND RECOMMENDATION

Staff has reviewed the information provided by IDACOMM in its Application and believes it satisfies the requirements of Commission Rule of Procedure 111, IDAPA 31.01.01.111 and Procedural Order No. 26665 issued November 7, 1996.

The Application also included financial information about the company that indicated it was in a satisfactory financial position. Staff is satisfied that the Company has the technical, managerial and financial strength to provide the services identified in this Application.

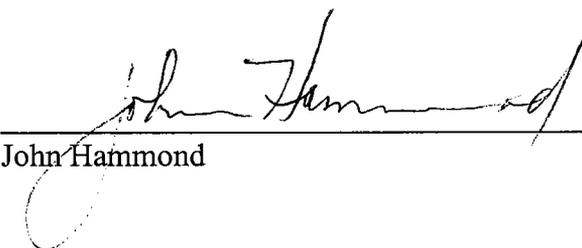
IDACOMM specifically indicated in its Application it will comply with all Commission Rules and has provided an illustrative tariff with its Application that demonstrates an understanding of the tariff requirements and processes.

In conclusion, Staff recommends that a Certificate of Public Convenience and Necessity to provide competitive local exchange service in Idaho be provided to IDACOMM, Inc.

COMMISSION DECISION

Does the Commission wish to grant IDACOMM's Application for a Certificate of Public Convenience and Necessity to provide competitive local exchange services in Idaho?

Does the Commission wish to make this approval subject to ITA members' exemption from the obligations of incumbent local exchange carriers under section 251(c) of the 1996 federal Telecommunications Act?



John Hammond

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