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UTILITIES COMMISSION

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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
LIBERTY-BELL TELECOM, LLC FOR A)	CASE NO. LBT-T-10-01
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY.)	
)	COMMENTS OF THE
)	COMMISSION STAFF
)	

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, Neil Price, Deputy Attorney General, and in response to the Notice of Application and Notice of Modified Procedure issued in Order No. 32128 on November 24, 2010, in Case No. LBT-T-10-01, submits the following comments.

BACKGROUND

On June 23, 2010, Liberty-Bell Telecom, LLC ("LBT" or "Company") filed an Application, including a copy of its illustrative tariff, for a Certificate of Public Convenience and Necessity ("CPCN"), pursuant to *Idaho Code* §§ 61-526 through -528¹, *Idaho Code* § 62-604, IDAPA 31.01.01.111 (Rule 111), IDAPA 31.42.01.202 (Rule 202) and Procedural Order No.

¹ Pursuant to the Idaho Telecommunications Act of 1988, specifically *Idaho Code* § 62-604(1)(a), LBT is exempt from Title 61 regulation.

26665, to provide facilities-based local exchange, switched exchange access and non-facilities-based interexchange telecommunications services in Idaho. Later, LBT filed a revised copy of its illustrative tariff.

The Company states in its Application that it proposes to offer competitive local exchange services initially, including basic local exchange services and custom calling features for residential and commercial subscribers. Subsequently, the Company proposes to offer exchange access services to interconnecting carriers.

STAFF ANALYSIS

Staff has been working with the Company and its attorney to bring the illustrative price list into compliance with the Commission's Customer Relation Rules and Idaho Statutes. After many corrections and revisions, Staff believes the Application and Price List now comport with the Commission's Rules and Idaho Statutes.

The Company intends to provide local exchange services using unbundled network elements. Interexchange services will be offered exclusively on a resold, non-facilities-based, basis. LBT has no current plan to construct facilities or deploy equipment in Idaho.

LBT's proposed Idaho service territory will include all areas of Idaho currently being served by Qwest Corporation.

LBT states that it will begin negotiating an interconnection agreement with Qwest Corporation following the Commission's decision regarding its Application.

LBT explicitly states that it has reviewed all of the Commission's rules and agrees to comply with such rules.


LBT requests a waiver of the escrow account requirement. The Company will not require its customers to submit advance payments or deposits in exchange for service.

On December 14, 2010, a Consent Decree was issued and adopted between the Enforcement Bureau of the Federal Communications Commission ("Bureau") and Liberty-Bell. The Consent Decree terminated a Bureau investigation into Liberty-Bell for possible violations of the Communications Act of 1934 and corresponding rules. Staff notes that this Consent Decree is a result of alleged international violations and does not have intrastate certification implications that would negatively impact the Company's Application for a CPCN with this Commission.

STAFF RECOMMENDATION

1. Staff recommends that Liberty-Bell Telecom, LLC be granted a CPCN subject to the following conditions:
 - a. The Company complies with number pooling and reporting requirements of the North American Numbering Plan Administrator, as set forth in Commission Order No. 30425;
 - b. Liberty-Bell provides necessary reports and contributes as appropriate to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, Idaho Telecommunications Service Assistance Program, and complies with all future reporting requirements deemed appropriate by the Commission for competitive telecommunication providers;
 - c. Liberty-Bell shall relinquish its Certificate and all telephone numbers if, within one year of issuance of a CPCN, the Company is not providing basic local exchange telecommunications services in Idaho as defined by Idaho Code §62-603(1).²
2. Finally, Staff recommends that the Company's request for a waiver of the escrow account be granted.

Respectfully submitted this 15th day of December 2010.


for Neil Price
Deputy Attorney General

Technical Staff: Carolee Hall

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² "Basic local exchange service" means 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 15TH DAY OF DECEMBER 2010, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. LBT-T-10-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

CHRISTINA NEHER
LIBERTY-BELL TELECOM LLC
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SECRETARY

CERTIFICATE OF SERVICE