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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
MILLENNIUM NETWORKS, LLC FOR A)	CASE NO. MNL-T-09-01
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE LOCAL)	
EXCHANGE TELECOMMUNICATIONS)	COMMENTS OF THE
SERVICES.)	COMMISSION STAFF
)	

The Staff of the Idaho Public Utilities Commission, by and through its attorney of record, Kristine A. Sasser, Deputy Attorney General, in response to the Notice of Application and Notice of Modified Procedure (Order No. 30997) submits the following comments.

BACKGROUND

On November 23, 2009, Millennium Networks, LLC (Millennium) filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to provide telecommunications services to residential and commercial subscribers in the State of Idaho.

Millennium states that the Company intends to provide voice over Internet protocol (VoIP) telecommunications services to residential and commercial subscribers. Application at 1. The Company states that it is a facilities-based provider that will serve its customers from Soda Springs, Idaho. *Id.*

Millennium Networks is a limited liability company created under the laws of Wyoming and is wholly owned by Silver Star Telephone Company, Inc. (Silver Star). The Company is

registered to do business in the State of Idaho as a foreign limited liability company. *Id.* The Company identifies Aaron Jenkins as its registered agent for service of process. *Id.* at 2.

STAFF REVIEW

In its Application, Millennium states that it will compete with Qwest and has already negotiated an interconnection agreement with the Company through its affiliate Silver Star. In addition to its affiliation with Silver Star, Millennium also holds 44% interest in Independent Cable Systems of Idaho, LLC, located in Rockland, Idaho. *Id.* at 2, 4.

Millennium maintains it has the necessary equipment in place to provide service immediately after a CPCN is granted and will provide services to residential and commercial subscribers in the form of VoIP telecommunications services. *Id.* at 2. Applicant states that as a wholly-owned subsidiary of Silver Star Telephone Company, Inc., it has the financial resources to provide the proposed services.¹

STAFF RECOMMENDATION

Staff has reviewed the Application for Millennium and believes the Company understands and agrees to comply with Commission Rules of Procedure 111 (IDAPA 31.01.01.111) and Procedural Order No. 26665. Staff believes that the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications service.

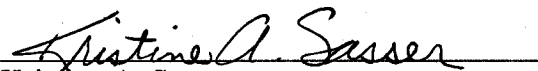
As of the date of these comments, the Federal Communications Commission (FCC) has not made a determination of the regulatory status of interconnected VoIP services. Therefore, it remains unclear whether fixed-location (non-nomadic) interconnected VoIP telecommunications offerings currently are properly classified as telecommunications services or information services under the definitions contained in the Telecommunications Act of 1934, as amended by the Telecommunications Act of 1996. If the FCC were to make a determination that interconnected VoIP offerings are information services or if the FCC were to preempt state regulation of all VoIP services, no regulation of such services could lawfully be undertaken by this Commission. However, absent such a classification by the FCC, Staff believes that approval of this Application would be consistent with the Commission's obligation, under state and federal

¹ Silver Star's 2007 and 2008 financial data is on file with the Commission. Upon review, Staff affirms that Silver Star's data demonstrates sufficient financial resources.

statutes, to promote competition for telecommunications services, including basic local exchange service. Staff believes that, because interconnected fixed VoIP service is the functional equivalent of circuit switched local exchange services, granting this Application for a CPCN would encourage competition within Idaho. Staff, therefore, recommends Commission approval of the Application for a Certificate of Public Convenience and Necessity subject to the following conditions:

1. Compliance with the Number Pool Administration and Idaho Commission Order No. 30425 mandating number resource utilization forecast (NRUF) reporting requirements;
2. Contribution to the Idaho Universal Service Fund (USF), Idaho Telecommunications Relay Service (TRS), Idaho Telephone Service Assistance Program (ITSAP), and any future reporting requirements deemed appropriate for competitive telecommunications providers;
3. Upon approval of this Application, Millennium will issue a final price list under Case No. MNL-T-09-01, at which time a certificate will be issued; and
4. The Company agrees that it will relinquish its certificate and any telephone numbers if it is not doing business within one year of its issuance of a CPCN.

Respectfully submitted this 25TH day of February 2010.


Kristine A. Sasser
Deputy Attorney General

Technical Staff: Grace Seaman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 25TH DAY OF FEBRUARY 2010,
SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN
CASE NO. MNL-T-09-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID,
TO THE FOLLOWING:

MICHELLE MOTZKUS
LEGAL & REG ADMIN
MILLENNIUM NETWORKS LLC
PO BOX 226
FREEDOM WY 83120



SECRETARY

CERTIFICATE OF SERVICE