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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for Idaho Telephone Association

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION
OF ORBITCOM, INC. FOR A
CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO
PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES.

Case No: ORB-T-03-1

**COMMENTS OF IDAHO TELEPHONE
ASSOCIATION**

Idaho Telephone Association (“ITA”), through its attorneys Givens Pursley LLP, on behalf of its member independent local exchange carriers, and pursuant to IDAPA 31.01.01.203 and Commission Order 29492, hereby submits Comments on the above-captioned Application of OrbitCom, Inc. (“OrbitCom”).

COMMENTS

1. The independent local exchange carries on whose behalf ITA submits these Comments currently are the exclusive providers of basic local exchange service within their respective service areas pursuant to Certificates of Public Convenience and Necessity issued by the Idaho Public Utilities Commission (“Commission”).

2. OrbitCom’s Application proposes to offer facilities-based local and long distance telecommunications services to customers in Idaho via unbundled network elements, specifically the unbundled network elements platform, and resold service of incumbent local exchange carriers. OrbitCom intends to market all forms of switched and dedicated telecommunications

services, including data and Internet services. OrbitCom intends to initiate an interconnection agreement with Qwest Corporation.

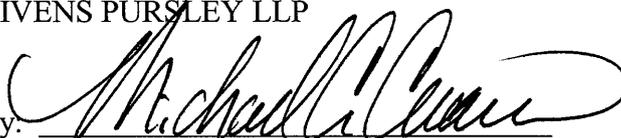
3. Each of ITA's member local exchange carriers meet the definitions of a "Common Carrier," "Telecommunications Carrier" and "Rural Telephone Carrier" under the Federal Telecommunications Act of 1996 ("1996 Act").

4. OrbitCom has not made a bona fide request to ITA's members for interconnection, services or network elements.

5. Although OrbitCom's Application indicates that the initial scope of its Idaho operations will be pursuant to its interconnection with Qwest, it also recites OrbitCom's intent to provide competitive local exchange services statewide. Therefore, any grant of certificate authority to OrbitCom 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.

Respectfully submitted this 1st day of June 2004.

GIVENS PURSLEY LLP

By: 

Conley E. Ward
Michael C. Creamer
*Attorneys for Idaho Telephone
Association*

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June 2004, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Commission Secretary
Idaho Public Utilities Commission
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