

WELDON B. STUTZMAN  
DEPUTY ATTORNEY GENERAL  
IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
(208) 334-0318  
IDAHO BAR NO. 3283

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Street Address for Express Mail:  
472 W. WASHINGTON  
BOISE, IDAHO 83702-5983

Attorney for the Commission Staff

## **BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	
<b>RED-BAN COMMUNICATIONS, LLC FOR A</b>	)	<b>CASE NO. RDB-T-05-1</b>
<b>CERTIFICATE OF PUBLIC CONVENIENCE</b>	)	
<b>AND NECESSITY TO PROVIDE LOCAL</b>	)	
<b>EXCHANGE SERVICES WITHIN THE STATE</b>	)	
<b>OF IDAHO.</b>	)	<b>COMMENTS OF THE</b>
	)	<b>COMMISSION STAFF</b>
	)	
	)	

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**COMES NOW** the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, Weldon B. Stutzman, Deputy Attorney General, and in response to Order No. 29873, the Notice of Application and Notice of Modified Procedure issued on September 27, 2005, submits the following comments.

### **BACKGROUND**

On August 15, 2005, Red-Ban Communications, LLC ("Red-Ban") filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to provide facilities-based local exchange and resold interexchange services throughout the State of Idaho and specifically within the Qwest exchanges.

## **APPLICATION**

Red-Ban is a Utah limited liability company with its principal office located in Sandy, Utah. Red-Ban is authorized by the Idaho Secretary of State to transact business within the State of Idaho and has a registered agent for service in Idaho.

Red-Ban intends to provide local exchange and interexchange services mainly to residential and business customers within the southern Idaho Qwest territories. Initially, Red-Ban will provide local exchange service, Voice over Internet Protocol (VoIP), and other information services. The Company indicated that it does not intend to collect advance payments or deposits and requests a waiver of the escrow account requirement.

## **STAFF ANALYSIS**

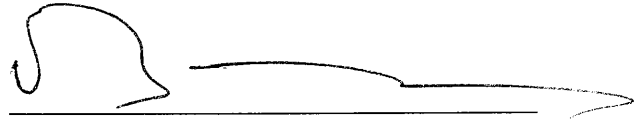
Staff reviews all requests for a CPCN certificate pursuant to Idaho Code §§ 61-526 through -528, IDAPA 31.01.01.111 and 112 (Rules 111 and 112), and Procedural Order No. 26665. To obtain a CPCN, an Applicant must provide the Commission with the following information: (1) name, address, and form of business; (2) the date on which the applicant proposes to begin construction or anticipates that it will provide service, including a written description of customer classes and services proposed to be offered; (3) the proposed service territory; (4) certain financial information; (5) maps regarding the proposed service area; (6) a proposed initial tariff and price sheets; (7) contact information; (8) interconnection agreements if any; (9) an agreement to comply with the Commission's Rules; and (10) an escrow account with a bonded escrow agent if the company requires advanced deposits from its customers. Order No. 26665.

Through its review of the Application and numerous discussions with the Company, Staff has determined that the Company's filing complies with the requirements of the Commission. Staff believes that the Company understands and agrees to comply with the Commission rules and requirements. Staff further believes that the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services.

## RECOMMENDATION

Based on its review of the Application, Staff recommends approval of the Application for a Certificate with a waiver of the escrow account requirement. In the future, should the Company decide to collect deposits, it must comply with the escrow requirement as well as the Commission's rules for interest on deposits.

Respectfully submitted this 18<sup>th</sup> day of October 2005.



Weldon B. Stutzman  
Deputy Attorney General

Technical Staff: Carolee Hall

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 18<sup>TH</sup> DAY OF OCTOBER 2005, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. RDB-T-05-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

RICH REDMAN  
RED-BAN COMMUNICATIONS, LLC  
1057 S HWY 77  
PO BOX 14  
ALBION ID 83311-0014  
E-mail: [rich@atcnet.net](mailto:rich@atcnet.net)

  
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SECRETARY

CERTIFICATE OF SERVICE