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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
VYCERA COMMUNICATIONS, INC. FOR A) CASE NO. VYC-T-05-1
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE LOCAL)
EXCHANGE SERVICES WITHIN THE STATE) COMMENTS OF THE
OF IDAHO.) COMMISSION STAFF
_____)**

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Kira Dale Pfisterer, Deputy Attorney General, in response to Order No. 29803, the Notice of Application and Notice of Modified Procedure in Case No. VYC-T-05-1 issued on June 16, 2005, and submits the following comments.

BACKGROUND

On April 5, 2005, Vycera Communications, Inc. (Vycera) filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to provide resold local exchange telecommunications services throughout Qwest's service territory in the State of Idaho. The Company amended its Application with a revised price list filed with the Commission on June 3, 2005.

STAFF ANALYSIS

Staff has reviewed the Vycera Application and finds that it complies with the Commission's requirements. 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. In order to be issued a CPCN, a public utility 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.

Vycera's Application includes all of the required information. The Company plans to provide flat rated local exchange service in combination with long distance packages and other vertical features to residential customers. Vycera plans to offer these services by reselling Qwest products. Vycera will obtain these services from Qwest through the purchase of the Qwest Platform Plus (QPP) product. Qwest offers QPP to replace the unbundled network elements platform (UNE-P).

Vycera has been in the competitive telecommunications business in California and Texas since 2000 and is authorized to provide service in other western states. The Application included audited financial results for 2000 and 2001 and unaudited financial information for 2003 and 2004. The financial information indicates substantial growth.

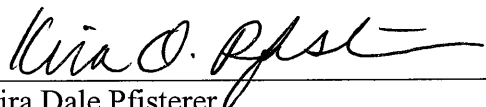
Staff is satisfied that the Company has the technical, managerial and financial strength to provide the services identified in the Application. The Application identified the key individuals responsible for the Company's operations, and information that indicated that each of these individuals had extensive experience in telecommunications. In addition, Vycera provided an illustrative tariff with its Application that demonstrates an understanding of tariff requirements and processes and specifically indicated in its Application it will comply with all Commission rules.

The Company does not anticipate collecting deposits, and therefore requests a waiver of that portion of Commission Order No. 26665 that requires an Escrow Account be established.

STAFF RECOMMENDATION

Staff finds that the Company's filing complies with the requirements of the Idaho Code, the Commission's rules, and Procedural Order No. 26665. Therefore, Staff recommends that the Commission approve Vycera's Application for a Certificate of Public Convenience and Necessity to provide competitive local exchange service in Idaho.

Respectfully submitted this *7th* day of July 2005.



Kira Dale Pfisterer
Deputy Attorney General

Technical Staff: Wayne Hart

i:umisc/comments/vyct05.1kdpwh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 7TH DAY OF JULY 2005, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. VYC-T-05-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

DALE DIXON
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SECRETARY