

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: DONOVAN WALKER

DATE: NOVEMBER 23, 2005

RE: APPLICATION OF 360NETWORKS (USA) INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES, CASE NO. WFN-T-05-1.

On September 22, 2005, 360networks (USA) inc. ("360networks" or the "Company") filed an Application for a Certificate of Public Convenience and Necessity with the Idaho Public Utilities Commission (Commission) to provide facilities-based competitive local exchange telecommunications services to commercial subscribers and exchange access services to interconnecting carriers in the Idaho Qwest and Verizon exchanges. In the Notice of Application and Modified Procedure issued on October 18, 2005, the Commission sought comments regarding the Company's Application. *See* Order No. 29894. No comments were received other than those submitted by Commission Staff.

THE APPLICATION

The Application submitted by 360networks seeks Commission approval for a Certificate of Public Convenience and Necessity. The Application requests authority for the Company to provide facilities-based competitive local exchange telecommunications services to commercial subscribers and exchange access services to interconnecting carriers in Idaho.

The Company is incorporated in the State of Nevada and headquartered in Louisville, Colorado. A Certificate of Authority to transact business as a foreign corporation from the Idaho Secretary of State was obtained on May 10, 2000. The Company provided confidential financial statements for years ending in December 31, 2003 and 2004, and the appropriate contact information for its registered agent for service of process within Idaho.

The Application states the Company has authority to provide interexchange telecommunications services in 34 states, including Idaho, and has authority to provide competitive local exchange carrier services in 33 states. The Company currently maintains facilities in Idaho that are part of its northern network and used exclusively for wholesale purposes. The Company anticipates beginning construction of facilities within 12 months of approval of a Certificate of Public Convenience and Necessity to provide local exchange services, primarily through interconnection with Qwest's network.

STAFF COMMENTS

Staff had reviewed the Application submitted by 360networks. The Company understands and agrees to comply with the Commission rules and requirements. Based on this review, the Company's filing fulfills the requirements of the Commission Rules and Procedural Order No. 26665. The Staff believes that the Company possesses the requisite financial, managerial, and technical qualifications necessary to operate as a provider of telecommunications services. Therefore, Staff recommends approval of the Application for a Certificate of Public Convenience and Necessity.

COMMISSION DECISION

Does the Commission wish to approve 360networks (USA) inc.'s Application for a Certificate of Public Convenience and Necessity?

for  _____
Donovan Walker

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