

## DECISION MEMORANDUM

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

**FROM: CECELIA A. GASSNER**

**DATE: JULY 31, 2006**

**SUBJECT: APPLICATION OF YMAX COMMUNICATIONS CORP. FOR  
APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY TO PROVIDE LOCAL SERVICE IN IDAHO; CASE NO.  
YMX-T-06-1**

On March 21, 2006, YMax Communications Corp. ("YMax" or "Company") filed an Application for a Certificate of Public Convenience and Necessity with the Commission. In its Application, YMax states that it is requesting authority to provide basic resold and facilities-based local exchange services and resold interexchange service to both residential and business customers by combining unbundled network elements and reselling services obtained from incumbent local exchange carriers in Idaho pursuant to interconnection agreements.

YMax is a Delaware corporation with a primary place of business in Palm Beach, Florida. The Company has a Certificate of Authority to do business in the State of Idaho issued by the Idaho Secretary of State on March 10, 2006. The Company has provided financial information and the appropriate contact information for its registered agent for service of process within Idaho. The Company also filed an illustrative tariff (and revisions thereto on June 28, 2006). The Company does not intend to require deposits at this time, and thus did not submit information about a bonded escrow agent.

On July 7, 2006, the Commission issued a Notice of Application and Modified Procedure, requesting comments. Order No. 30095. The only comments received were submitted by the Commission Staff.

## STAFF COMMENTS

Staff reviews all requests for a Certificate of Public Convenience and Necessity (CPCN) 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.

Following discussions with the Company's consultant, Staff received updated financial data with a letter of credit from the principal owner of the Company. The Company also complied with requests from Staff to remove certain terms contained within its price list that did not comport with Commission rules and requirements. Through its review of these documents and those originally filed, Staff believes that the Company understands and agrees to comply with 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.

Based on its review of the Application, Staff recommends approval of the Application for a Certificate of Public Convenience and Necessity.

## COMMISSION DECISION

Does the Commission desire to approve YMax's Application and grant the Company a Certificate of Public Convenience and Necessity? If so, does the Commission desire to waive the escrow account requirement until such time as the Company decides to collect deposits?



Cecelia A. Gassner

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