

## DECISION MEMORANDUM

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

**FROM:** LISA NORDSTROM

**DATE:** NOVEMBER 4, 2004

**RE:** IN THE MATTER OF THE APPLICATION OF ACCERIS COMMUNICATIONS CORP. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES. CASE NO. ACC-T-04-1.

On June 7, 2004, Acceris Communications Corp. ("Acceris" or "Company") filed an Application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services to customers throughout Idaho. Principally located in San Diego, California, Acceris is incorporated in Delaware and is authorized to do business as a foreign corporation in the State of Idaho. In the Notice of Application and Modified Procedure issued October 13, 2004, the Commission solicited comments regarding Acceris's Application. Order No. 29615. No comments were received other than those submitted by Commission Staff.

### THE APPLICATION

Acceris requests authority to provide facilities-based and resold local exchange, intraLATA interexchange and exchange access services throughout the State of Idaho. Specifically, the Company intends to serve in the areas of Qwest Corporation and Verizon but does not intend to serve areas where local exchange companies are eligible for rural exemptions pursuant to Section 251 of the federal Telecommunications Act of 1996.

The Company plans to provide service mainly utilizing Unbundled Network Elements Platform (UNE-P) leased or purchased from Qwest or Verizon. The Company proposes to provide services to business and residential customers.

Although the Company does not maintain an office in Idaho, it does have a registered in-state agent. Acceris has submitted its management profiles and financials for the period ending December 31, 2003. Staff has reviewed these documents and, based on those documents, believes the Company is solvent. At this time, the Company does not propose to collect separate deposits and has not obtained an interconnection agreement in Idaho.

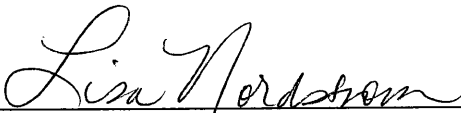
Acceris has been granted authority to provide local exchange service in several other states such as Oregon, California and Wyoming. Acceris also states that it has reviewed the rules of this Commission and affirms its commitment to abide by them.

#### **STAFF COMMENTS**

Based on its review of Acceris's Application, Staff believes that the Company's filing has satisfied all the requirements of the Commission's Rules and Procedural Order No. 26665. Staff also believes the Company understands and has agreed to comply with the Commission's rules and requirements. Therefore, Staff recommends approval of the Application for Certificate of Public Convenience and Necessity.

#### **COMMISSION DECISION**

Does the Commission wish to approve Acceris Communications Corp.'s Application for a Certificate of Public Convenience and Necessity?

  
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Lisa Nordstrom

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