

DECISION MEMORANDUM

TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL

DATE: AUGUST 26, 2010

SUBJECT: APPLICATION OF AIRESRING, INC. FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY, CASE NO. ASI-T-10-01

On July 1, 2010, Airespring, Inc. (“Airespring” or “Company”) filed an Application for a Certificate of Public Convenience and Necessity (“CPCN”), pursuant to *Idaho Code* §§ 61-526 through -528¹ and IDAPA 31.01.01.111 (Rules 111 and 112), to provide local exchange telecommunications services. *Application* at 1.

THE APPLICATION

Airespring is a Delaware corporation and lists its principal place of business as Van Nuys, California. *Id.* at 1-2. Airespring is registered with the Idaho Secretary of State as a foreign corporation and lists National Registered Agents, 1423 Tyrell Lane, Boise, Idaho 83706, as its Idaho registered agent for service. *Id.* at 2, Exhibit 2.

Airespring states in its Application that it “initially proposes to provide resold local exchange services.” *Id.* at 4. The Company “has no current plan to install facilities in Idaho but may do so in the future. . . .” *Id.* Airespring seeks the authority and intends to provide all forms of switched and non-switched intrastate local exchange telecommunications services. *Id.* at 4-5. Airespring’s proposed Idaho service territory will include all areas of Idaho currently being served by existing ILECs. *Id.* at 5. The Company will not offer its services in areas already being served by carriers that are eligible for small or rural carrier exemption under Section 251 of the federal Telecommunications Act of 1996 (“Federal Act”). *Id.*

¹ Pursuant to the Idaho Telecommunications Act of 1988, specifically *Idaho Code* § 62-604(1)(a), Airespring is exempt from Title 61 regulation.

Airespring attached a copy of its illustrative tariff to its Application. *See* Application, Exhibit 5. The Company has yet to initiate negotiations with ILECs in Idaho. *Id.* at 7. Airespring states that it has “reviewed the laws and regulations of this Commission’s governing local exchange telecommunications services and will provide service in accordance with all laws, rules and regulations to the extent they are not preempted by the Federal Act.” *Id.* Airespring has not filed an escrow account because it will not require its customers to submit advance payments or deposits in exchange for service. *Id.*

STAFF RECOMMENDATION

Staff has reviewed Airespring’s Application and other supporting documentation and recommends that the Application be processed through Modified Procedure with a corresponding 21-day comment period.

COMMISSION DECISION

Should Airespring’s Application for a Certificate of Public Convenience and Necessity be processed through Modified Procedure with a corresponding 21-day comment period?



Neil Price
Deputy Attorney General

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