

DECISION MEMORANDUM

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

**FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL**

DATE: FEBRUARY 5, 2010

**SUBJECT: APPLICATION OF BROADVIEW NETWORKS, INC. FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY,
CASE NO. BVN-T-09-01**

On November 13, 2009, Broadview Networks, Inc. (“Broadview” or “Company”) filed an Application for a Certificate of Public Convenience and Necessity, pursuant to Title 62 of the Idaho Code and IDAPA 31.01.01.111, to provide local exchange telecommunications services within the state of Idaho. *Application* at 1. On February 4, 2010, Broadview filed a revised proposed tariff.

THE APPLICATION

Broadview is a New York corporation and lists its principal place of business as Rye Brook, New York. *Id.* at 2. Broadview is registered with the Idaho Secretary of State as a foreign limited liability company and lists CT Corporation Service, 1111 W. Jefferson, Suite 530, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* Broadview has received authority to provide local and/or interexchange services in the following states: California, Connecticut, the District of Columbia, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Nevada, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia and Washington. *Id.* at 1.

Broadview requests “authority to allow the company to offer its customers facilities-based and resold competitive local exchange telecommunications and interexchange telecommunications services throughout the entire state of Idaho, or to the extent the facilities of

its underlying carriers permit.” *Id.* at 2. Broadview states that it does not anticipate installing physical plant, fiber optic or copper cables within the state. *Id.* at 2. The Company may “collocate switching, signaling systems and other equipment of ILEC and non-ILEC collocation facilities such as carrier hotels, and may lease capacity on fiber circuits from other carriers.” *Id.*

Broadview will focus on providing service to small and medium-sized businesses and residential customers. *Id.* at 5. Initially, the Company plans to “offer basic two-way local residential and business service, supplemented by a variety of customer calling services (i.e., three-way calling, call forwarding, call waiting, distinctive ringing, and speed calling) and CLASS features (i.e., caller I.E., automatic redial/recall, and customer-originated trace).” *Id.* Later, Broadview envisions an expansion of these services “to include advanced telecommunications services, data services and private line services throughout the service area of the incumbent provider(s).” *Id.*

Broadview’s proposed Idaho service territory is likely to include areas being served by ILECs Qwest North, Qwest South and Verizon Northwest. *Id.* The Company has yet to initiate negotiations with ILECs in Idaho. *Id.* at 8. The Applicant affirms that it has “reviewed all of the Commission’s rules applicable to competitive local exchange telecommunications service providers and agrees to comply with those rules except to the extent that any such rules are explicitly waived generically for carriers in the same class.” *Id.* at 9

STAFF RECOMMENDATION

Staff has reviewed Broadview’s Application and other supporting documentation and recommends that the Application be processed through Modified Procedure.

COMMISSION DECISION

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



Neil Price
Deputy Attorney General

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