

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF COMPARTNERS, LLC FOR A) CASE NO. CMP-T-04-1
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE)
FACILITIES BASED AND RESALE LOCAL)
EXCHANGE AND INTEREXCHANGE) ORDER NO. 29733
SERVICES IN ELIGIBLE AREAS)
STATEWIDE)

On November 16, 2004, CommPartners, LLC filed an Application for a Certificate of Public Convenience and Necessity to provide facilities-based and resold local exchange and interexchange services in eligible areas statewide. In the Notice of Application and Modified Procedure issued January 24, 2005, the Commission sought comments regarding CommPartners' Application. Order No. 29691. No comments were received other than those submitted by Commission Staff. In this Order the Commission grants CommPartners' Application.

THE APPLICATION

According to the Application, CommPartners is in the process of building an Internet Protocol (IP) based communications network throughout all 50 states and the District of Columbia. The network is designed to connect public and private IP networks with the Public Switched Telephone Network (PSTN). The Company will provide the network needed for Voice-Over-Internet Protocol (VoIP) providers to originate and terminate IP-based communications, as well as allow for the termination of traditional circuit-switched telephone calls. The traffic to be carried over this network will be comprised of primarily information services traffic such as VoIP, as well as interstate, intrastate interLATA, intraLATA, and local traffic.

CommPartners' network is a "hub-centric topology" consisting of switching centers in Las Vegas, Chicago, Atlanta, and New York. These switching centers are collocation points situated in highly sophisticated environments where large numbers of network providers meet for interconnection among their networks. At these locations, CommPartners has placed softswitch equipment, routers and border control devices.

CommPartners is organized as a Nevada limited liability company. The Application states that it has an Operating Agreement and Certificate of Status issued by the Idaho Secretary

of State stating that it is qualified to transact business in the State of Idaho. The Company's principal place of business is in Las Vegas, Nevada. The Company states that it will primarily be providing network transit and associated operations support systems for VoIP traffic to wholesale customers. CommPartners' proposed service area would be all areas served by incumbent local exchange carriers, Qwest and Verizon, that are required by the Telecommunications Act of 1996 to interconnect their networks with competitive local exchange carriers.

STAFF COMMENTS AND RECOMMENDATIONS

Staff has reviewed the information provided by CommPartners in its Application and believes it satisfies the requirements of the Commission's Rule of Procedure 111, IDAPA 31.01.01.111, and Procedural Order No. 26665, issued November 7, 1996, which sets out the necessary information to be included with an Application for a Certificate.

CommPartners is a relatively new telecommunications company that provides VoIP services nationwide, with switching centers in Las Vegas, New York, Chicago, and Atlanta. The Application included resumés of key individuals that indicated extensive experience in the telecommunications field. The Application included financial information that indicated the Company had adequate financial resources for a company at this stage of operations. Staff is satisfied that the Company has the technical, managerial and financial strength to provide the services identified in the Application.

The Application indicated CommPartners intends to provide basic local exchange services to both residential and business customers using the Company's VoIP network. The Company's primary market is wholesale service to other carriers and Internet service providers, but it will also occasionally provide service directly to end use customers. All CommPartners local exchange customers would need to obtain broadband service in order to utilize the Company's VoIP local exchange service. Service to Idaho customers would be provided through the Company's VoIP switch in Las Vegas, Nevada.

The Application indicated the Company would initially provide service in the area currently served by Qwest and Verizon. All of CommPartners' customer originated calls would be originated as data services and carried by IP to the Company's switch in Las Vegas. If the called party is also a VoIP customer, the call would remain on IP and terminated as a data service to that customer. If the called party uses traditional voice service, the call is converted to

voice protocol and routed to that party through “the nearest RBOC/ILC/CLEC or wireless carrier’s local telephone switch that serves the called party.”

CommPartners specifically indicated in its Application that it will comply with all Commission rules. Additionally, it has provided an illustrative tariff with its Application that demonstrates an understanding of tariff requirements and processes.

There are many regulatory issues associated with VoIP services that have yet to be determined. It is possible that it may eventually be determined that the services provided by CommPartners are outside the jurisdiction of a state commission and may be provided without a Certificate. However, CommPartners is well aware of the uncertainty of the outcome of various proceedings in this regard and voluntarily sought a Certificate, and agreed to comply with the Commission’s local exchange rules. Staff recommends that a Certificate of Public Convenience and Necessity to provide competitive local exchange service in Idaho be provided to CommPartners, LLC.

COMMISSION FINDINGS

Based upon the comments, the record, and the law, the Commission grants the Application. When considering an application for a Certificate, the Commission must determine if the applicant has the necessary qualifications to provide service while still fostering competition in the local telecommunications market. Based upon our review of the filing and the record in this case, the Commission finds that CommPartners’ filing satisfies the requirements of the Commission’s Rules and Procedural Order No. 26665 setting forth the requirements of an Application for a Certificate of Public Convenience and Necessity. The Commission therefore approves the Application of CommPartners, LLC. This is consistent with our previous Orders granting statewide authority to provide telecommunications services to carriers meeting the established requirements.

ORDER

IT IS HEREBY ORDERED that CommPartners, LLC is granted a Certificate of Public Convenience and Necessity to provide competitive telecommunications services within the State of Idaho. Furthermore, this grant of a CPCN to CommPartners is subject to the exemption of rural telephone carriers, if applicable, from the obligations of incumbent local exchange carriers under Section 251(c) of the 1996 Act, until such time as the requirements for lifting the exemption have been met.

THIS IS A FINAL ORDER. Any person interested in this Order, or in issues finally decided by this Order, may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code § 61-626.*

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 16th day of March 2005.



PAUL KJELLANDER, PRESIDENT

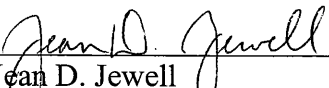


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:CMPT0401_dw2