

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF TEL WEST COMMUNICATIONS LLC ) CASE NO. GNR-T-01-18  
TO OBTAIN ITS CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO )  
PROVIDE LOCAL EXCHANGE SERVICES ) ORDER NO. 29221  
IN IDAHO. )  
\_\_\_\_\_ )**

On December 6, 2001, the Commission granted Tel West Communications LLC's Application to obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide resold local exchange services throughout Idaho. *See* Order No. 28909. However, the Commission found that the CPCN would only be issued upon Tel West providing evidence of establishment of a \$20,000 performance bond. *Id.* To this date, Tel West has not provided evidence to the Commission that it has posted a \$20,000 performance bond. On March 10, 2003, Tel West filed an Application with the Commission demonstrating that it had established a commercial escrow account at the Asia Europe Americas Bank for the purpose of protecting customer advance payments. Attached to the Application is a photocopy of a bank statement for this account along with a photocopy of the initial deposit slip. Tel West requests that the Commission accept the commercial escrow account in lieu of requiring the Company to post a performance bond. Upon acceptance of this account, Tel West requests that the Commission issue the Company its CPCN.

**STAFF RECOMMENDATION**

Staff recommended that the Commission reopen this case to consider the Company's Application. Staff reviewed and analyzed Tel West's Application and recommended that the Commission approve the Company's establishment of the commercial escrow account in lieu of a performance bond as the means by which to protect the Company's customers. Staff also believes that the \$1,000 amount is sufficient at this time to protect the Company's customers. Upon this approval Staff recommended that the Commission issue Tel West its CPCN.

**COMMISSION FINDINGS AND DECISION**

After considering the Company's Application and Staff's recommendation the Commission will reopen this case. The Commission also finds that Tel West Communications

LLC is authorized to transact business as a foreign corporation in the State of Idaho as demonstrated by its filings with the Secretary of State.

In Commission Order No. 26665 we found that in lieu of requiring a telecommunications company to post a performance bond to protect customers who make advance deposits, the company could instead establish an escrow account for the same purposes. Order No. 26665 at 7. In this case the Commission finds that rather than requiring Tel West to post a \$20,000 performance bond to obtain its CPCN it will accept the Company's establishment of the \$1,000 escrow account as the means by which to protect its customers. Accordingly, the Commission's Order No. 28909 that required the posting of a performance bond shall be amended to allow the Company to establish an escrow account in its place as a condition for issuance of its CPCN. In conformance with Order No. 26665 Tel West must submit quarterly report filings to the Commission, directed to the Commission Secretary and to be filed under the Case No. GNR-T-01-18, recording any deposits or disbursements for the escrow account. After two years, upon a good showing Tel West may request that the Commission review its requirement that the Company maintain this account.

Based on the foregoing the Commission finds that Tel West Communications LLC shall be issued its Certificate of Public Convenience and Necessity.

### **ORDER**

IT IS HEREBY ORDERED that Case No. GNR-T-01-18 is reopened to consider and rule upon Tel West Communications LLC's Application.


IT IS FURTHER ORDERED that Order No. 28909 is amended to allow Tel West to use an escrow account in the amount of \$1,000 to protect its customers rather than posting a \$20,000 performance bond.

IT IS FURTHER ORDERED that Tel West Communications LLC shall be issued its Certificate of Public Convenience and Necessity to provide local exchange services in the state of Idaho.

THIS IS A FINAL ORDER in this case. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. GNR-T-01-18 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 or in interlocutory Orders previously issued in this Case No. GNR-T-01-18. Within seven (7) days after any person has petitioned for

reconsideration, any other person may cross-petition for reconsideration. See Idaho Code § 61-626.

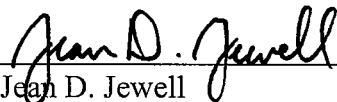
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 9<sup>th</sup> day of April 2003.

  
\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
MARSHA H. SMITH, COMMISSIONER

  
\_\_\_\_\_  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

O:GNRT0118\_jh