

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER HANSEN  
JEAN JEWELL  
COMMISSION STAFF  
LEGAL**

**FROM: JOHN HAMMOND**

**DATE: JANUARY 24, 2003**

**RE: REVOKING IPVOICE COMMUNICATIONS, INC. AUTHORITY TO  
PROVIDE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES IN  
IDAHO. CASE NO. GNR-T-03-5.**

This Decision Memorandum is submitted to address the failure of IPVoice Communications Inc. to post a bond as a condition for issuance of its CPCN. Furthermore, the Company has had its Certificate of Authority to transact business in the State of Idaho administratively revoked or cancelled. *See Idaho Code* §§ 30-1-128, 1-1501 and 1-1530.

### **IPVoice Communications, Inc., Previous Case No. GNR-T-00-20.**

On July 5, 2000, IPVoice Communications, Inc. ("IPVoice") filed an Application for a CPCN to provide local exchange service within the State of Idaho. The Company's Application stated that IPVoice was organized to provide resold and facilities-based local exchange and interexchange services throughout the service areas of Qwest North, Qwest South and Verizon. The Commission granted the Application and found that a Certificate should be issued subject to IPVoice Communications, Inc. providing evidence of establishment of a \$50,000 bond. *See Order No. 28600.*

IPVoice has failed to provide evidence of establishment of the required bond. Furthermore, Staff has learned that IPVoice's Certificate of Authority to transact business in this State as a foreign corporation was administratively revoked by the Secretary of State's Office on August 6, 2001. In addition, the Company has advised Staff on January 24, 2003 that:

On behalf of IPVoice Communications, Inc. I would like to cancel the Certificate ordered in 2000 by the old management team of IPVoice.com. If I can offer any further assistance I can be reached at 972.386.3372 x254.

Regards,

Martha Beckel  
Executive Assistant  
IPVoice Communications, Inc.  
VergeTech, Inc.  
14860 Montfort Drive  
Suite 210  
Dallas, TX 75254  
972.386.3372 x254  
972.386.8165 fax

cc: Philip Verges, CEO, IPVoice Communications, Inc.

### STAFF RECOMMENDATION

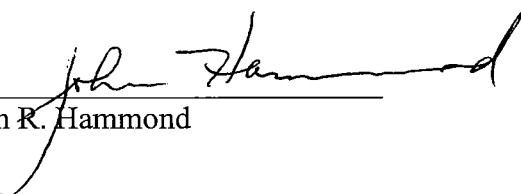
A CPCN is subject to and contingent upon statutory conditions, regulations and restrictions. *See* Order No. 26665. The nature of the grant is such that it is always subject to review. The grant of a CPCN entails a reciprocal acceptance of responsibility and duties by the regulated utility. Failure to perform those duties makes it fair, just and reasonable for the Commission to revoke its privilege to provide service. Breach of condition whether express or implied upon which the grant depends is grounds for termination or rescission.

Because IPVoice Communications, Inc., has failed to meet the conditions proscribed by the Commission to receive a CPCN and has had its Certificate of Authority to transact business in this State, Staff recommends that the Commission revoke any authority given to the Company in Order No. 28600, Case No. GNR-T-00-20, to provide local exchange telecommunications services in Idaho. In addition, Staff recommends that the Commission should remove IPVoice's illustrative price lists and tariffs from its active files.

### COMMISSION DECISION

Does the Commission wish to revoke IPVoice Communications, Inc., authority to provide local exchange telecommunications services in Idaho?

If so, does the Commission wish to remove IPVoice's illustrative price lists and tariffs from its active files?

  
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John R. Hammond

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