

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF BAK COMMUNICATIONS, LLC FOR A)	CASE NO. GNR-T-03-18
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE LOCAL)	
EXCHANGE SERVICES IN IDAHO.)	ORDER NO. 29302
)	

On May 14, 2003, BAK Communications filed an Application for a Certificate of Public Convenience and Necessity (CPCN). The Company included an illustrative tariff with its filing. Staff reviewed the filing and found that it was grossly out of compliance with the Commission's Rules of Procedure, Telephone Customer Relations Rules and Idaho statutes.

On June 9, 2003, Staff sent a letter with a marked up copy of the Application and tariff to BAK directing the Company to the Commission's home page where the Rules of Procedure and Telephone Customer Relations Rules are located. Staff recommended that the Company use the "model tariff" that is provided to assist new competitive carriers. Staff also encouraged the Company to contact Staff for assistance in bringing the Application and tariff into compliance. The Company was given until July 1, 2003 to correct and resubmit its filing. The Company did not respond.

On July 3, Staff sent an e-mail to Mr. Manzilla, Chief Operations Officer for BAK Communications, LLC. Staff explained that it would request that the Commission dismiss the Company's Application for failure to timely file corrections to its Application and illustrative tariff. Staff placed a final deadline on the Company for a response by July 8, 2003. On July 8, 2003, Staff received a response to its e-mail wherein the Company indicated that it was working on its revised Application and tariff and requested two more days to file. Staff agreed to the extension of time. As of July 18, 2003, Staff had not received a revised Application, illustrative tariff or any correspondence from the Company. Based on BAK's failures to file necessary corrections to its Application and illustrative tariff Staff recommended that the Commission dismiss the Company's Application for a CPCN without prejudice.

COMMISSION FINDINGS AND DECISION

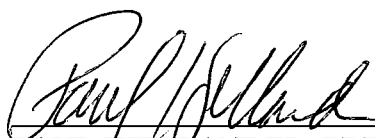
Based on BAK Communications' repeated failures to bring its Application and illustrative tariff into compliance with the Commission's Rules and Idaho statutes the Commission dismisses the Company's Application for a CPCN without prejudice.

ORDER

IT IS HEREBY ORDERED that BAK Communications, LLC's Application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services in Idaho is dismissed without prejudice.

THIS IS A FINAL ORDER. 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-03-18 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-03-18. 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 25th day of July 2003.



PAUL KJELLANDER, PRESIDENT

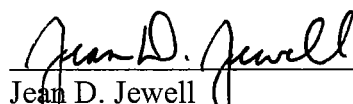


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

b1s/O:GNRT0318_jh