(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE PETITION OF IDAHO POWER COMPANY FOR A DECLAR­ATORY ORDER DETERMINING THE JURIS­DICTION OF THE COMMISSION OVER THE LEASING OF FIBER OPTIC CABLE. | )  )  )  )  )  ) | CASE NO.  IPC-E-96-9  NOTICE OF PETITION FOR  A DECLARATORY RULING  NOTICE OF MODIFIED PROCEDURE  ORDER NO.  26460 |

On May 22, 1996, Idaho Power Company (IPC) filed a Petition seeking a declaratory ruling from the Commission.  More specifically, Idaho Power asks for a determination “that the leasing of ‘dark’ optical fibers in cable owned by Idaho Power is not providing telecommunications service subject to the provisions of the Telecommunications Act of 1988, Idaho Code, Title 62, Chapter 6.”  IPC Petition at 1.  The term “dark fiber” normally refers to installed fiber optic cable that is not electronically activated for the transmission of information.  Fiber optic cable contains bundled filaments of glass or other transparent materials used as the medium for transmitting coded light pulses that represent data, image and/or sound.  IPC would not be involved in the transmission of signals, and only proposes to lease one or more optical fibers in cable owned by the Company.

Pursuant to Commission Rule 101, notice of IPC’s Petition will be provided to all telecommunications corporations operating in Idaho.  IDAPA 31.01.01102.  In this Order the Commission requests written comments on IPC’s Petition.

NOTICE OF PETITION FOR DECLARATORY RULING

YOU ARE HEREBY NOTIFIED that IPC seeks a ruling whether the leasing of dark fiber subjects IPC to the provisions of the Commission’s regulatory jurisdiction under the Telecommunications Act (Title 62).  If the Commission finds that the offering of dark fiber services does subject IPC to the Commission's Title 62 jurisdiction, then it desires to know what regulatory requirements must be met.

YOU ARE FURTHER NOTIFIED that IPC has entered into discussions with Albertson’s and the City of Boise (collectively Lessees) exploring the possibility of Lessees leasing portions of a fiber optic cable from IPC.  IPC intends to primarily use its underground ducts or existing power poles to route the fiber.

YOU ARE FURTHER NOTIFIED that IPC maintains in its Petition that the optical electronic equipment for either “end” of the fiber optic cable would be provided by Lessees.  IPC will install the optical equipment for the Lessees and would lease the “dark fiber” to Lessees, but otherwise would not be involved in transmitting signals over the optic fiber.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01201 -204.  Pursuant to Rule 102, the Commission is serving a copy of this Notice on all telecommunications corporations operating within Idaho.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Petition may file a written comment in support or opposition with the Commission within twenty-one (21) days from the date of this Notice.  The comment must contain a statement of reasons supporting the comment.  Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Petition shall be mailed to the Commission and the Applicant at the addresses reflected below:

COMMISSION SECRETARYNATHAN F. GARDINER

IDAHO PUBLIC UTILITIES COMMISSIONLARRY D. RIPLEY

STATEHOUSEIDAHO POWER COMPANY

BOISE, ID  83720-0074PO BOX 70

BOISE ID 83707-0070

Street Address for Express Mail:

472 W. WASHINGTON ST

BOISE, ID  83702-5983

These comments should contain the case caption and case number shown on the first page of this document.

YOU ARE FURTHER NOTIFIED that if no written comments are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing.  If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Petition together with supporting exhibits have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Titles 61 and 62 of the Idaho Code and that the Commission may enter any final Order consistent with its authority.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01000 et seq.

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IT IS HEREBY ORDERED that the Commission Secretary serve this Notice on all Title 61 and Title 62 telecommunications corporations.  Written comments concerning this matter must be received by the Commission within twenty-one (21) days of the date of this Notice.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this              day of June 1996.

RALPH NELSON, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

VLD\O-IPC-E-96-9.WS

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

June 10, 1996