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

|  |  |  |
| --- | --- | --- |
| 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 AND METALIC CONDUCTOR CABLES. | )  )  )  )  )  )  )  ) | CASE NO. IPC-E-97-1  NOTICE OF MODIFIED           PROCEDURE |

YOU ARE HEREBY NOTIFIED that on February 20, 1997, the Idaho Power Company (Idaho Power; Company) petitioned the Commission, pursuant to Rule 101 of the Commission’s Rules of Procedure, IDAPA 31.01.01, for a Declaratory Order determining that the leasing of “dark” optical fibers and/or “dead” metallic conductors in cable owned by Idaho Power does not constitute the providing of telecommunication services subject to the provisions of the Telecommunications Act of 1988 contained in Title 62, Chapter 6 of the Idaho Code.  A more detailed discussion of the Company’s Petition can be found in the Notice of Application issued by the Commission on March 13, 1997, or in the Petition itself which is available for inspection at the offices of the Idaho Public Utilities Commission, 472 West Washington Street, Boise, Idaho, during normal business hours.

YOU ARE FURTHER NOTIFIED that the Application together with supporting workpapers, testimonies and 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 Title 61 of the Idaho Code and that the Commission may enter any final Order consistent with its authority under Title 61.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq.

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 31.01.01.201 through -.204.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application 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 application shall be mailed to the Commission and the Applicant at the addresses reflected below:

COMMISSION SECRETARYLARRY D. RIPLEY

IDAHO PUBLIC UTILITIES COMMISSIONNATHAN F. GARDINER

PO BOX 83720IDAHO POWER COMPANY

BOISE, IDAHO  83720-0074PO BOX 70

BOISE, ID 83707

Street Address for Express Mail:

472 W WASHINGTON ST

BOISE, IDAHO  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.

DATED at Boise, Idaho this                  day of April 1997.

Myrna J. Walters

Commission Secretary

vld/N:IPC-E-97-1.bp2

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

April 3, 1997