

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: JOHN HAMMOND

DATE: FEBRUARY 13, 2004

SUBJECT: IN THE MATTER OF THE APPLICATIONS OF NEXTEL PARTNERS AND CLEAR TALK THAT SEEK DESIGNATION AS ELIGIBLE TELECOMMUNICATIONS CARRIERS. CASE NOS. GNR-T-03-08 AND GNR-T-03-16.

On January 23, 2004, Nextel Partners filed a Motion to Take Judicial Notice of a recent decision by the Arkansas Public Service Commission on an Application filed by the Company for eligible telecommunications carrier status in that state. (Docket NO. 03-141-CL, Order No. 4). In that case the Arkansas Commission granted the Company's Application. Nextel Partners states that evidentiary hearings in this case were concluded on December 11, 2003 and the Order issued by the Arkansas Commission was issued on December 22, 2003, after the close of the Idaho evidentiary record. Nextel Partners asserts the Arkansas Order is relevant to the Commission's deliberations because it considers and discusses a number of issues raised in this proceeding. Nextel Partners states that no party would be prejudiced by the granting of this Motion. No party has filed opposition to this Motion.

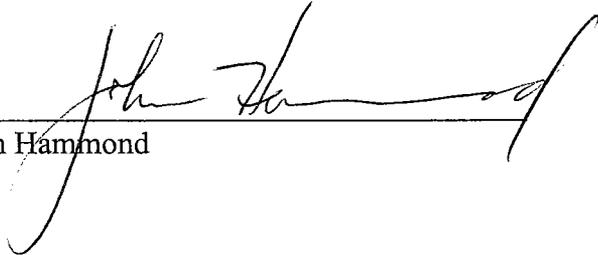
On January 30, 2004, the Idaho Telephone Association ("ITA") and Citizens Telecommunications Company of Idaho ("Citizens") filed a Motion requesting the Commission Take Official Notice of a recent Memorandum Opinion and Order issued by the Federal Communications Commission ("FCC") in Docket No. 96-45. *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular, LLC*, CC Docket No. 96-45, FCC 03-0338 (2004). Citizens and ITA state that evidentiary hearings in this matter concluded prior to the issuance of this decision. Furthermore, briefs were submitted on January 23, 2004 and the FCC did not release this Order until January 22, 2004 which did not allow the parties to address the

substance of this decision in briefing. ITA and Citizens state the FCC Order is relevant to the Commission's deliberations because it announces a new legal "framework" for the analysis and consideration of ETC petitions. The parties state that no party will be prejudiced by the granting of this Motion. No opposition has been filed to the granting of the Joint ITA and Citizens' Motion.

COMMISSION DECISION

Pursuant to Commission Rule of Procedure 263.01(a)(2) the Commission may take judicial notice of orders of any other regulatory agency, state or federal.

Based on the foregoing authority, does the Commission wish to grant both Motions to Take Official Notice or Judicial Notice of the decisions from the Arkansas Commission and the FCC that concern issues relating to the ETC Applications in this proceeding.



John Hammond

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