

DECISION MEMORANDUM

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

FROM: WELDON STUTZMAN

DATE: NOVEMBER 20, 2003

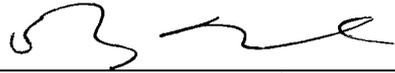
**SUBJECT: CASE NO. GNR-T-03-22
THE 90-DAY REVIEW OF SWITCHING ON HIGH CAPACITY LOOPS**

On June 17, 2003, the Commission issued a Notice of Proceeding and Notice of Right to Intervene to open two cases in response to the Federal Communications Commission Triennial Review Order. Case No. GNR-T-03-22 was opened "to review within 90-days whether the FCC determination that access to switching for high capacity loops such as DS-1, if not available as a UNE from an ILEC, would impair the ability of other carriers to provide services." On September 25, 2003, the Commission issued a Notice of Intent to Adopt FCC Presumption of Non-Impairment in the 90-day proceeding. The Notice informed interested parties that the FCC adopted a presumption that a competing carrier's ability to provide services is not impaired without access to switching on high capacity loops. The Notice also informed parties that the Commission, absent evidence of impairment presented by Idaho CLECs, would accept the presumption adopted by the FCC. The Notice required interested parties to notify the Commission no later than Friday, October 10, 2003, if they intended to present evidence challenging the FCC's presumption of non-impairment. No one notified the Commission that it intended to present evidence to challenge the FCC's presumption.

Because no one indicated an interest in challenging the FCC's presumption that a competing carrier's ability to provide services is not impaired without access to switching on high capacity loops, Staff recommends the Commission issue a Minute Order to close this docket and accept the presumption adopted by the FCC.

Commission Decision

Should the Commission issue a Minute Order to close this docket and accept the FCC's presumption that a CLEC's ability to provide services is not impaired if it does not have access to switching on high capacity loops?



Weldon B. Stutzman

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