

DECISION MEMORANDUM

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

FROM: WELDON STUTZMAN

DATE: MAY 20, 2004

**RE: CASE NO. GNR-T-03-26
PETITION FOR CLARIFICATION OF ORDER NO. 29497**

After processing an Application filed by Verizon Avenue Corporation, the Commission issued Order No. 29497 approving Verizon Avenue's request for a Certificate of Public Convenience and Necessity. In response to a recommendation made by the Idaho Telephone Association, the Commission included in its final order a notation that the CPCN issued to Verizon Avenue "is subject to the exemption of Idaho Telephone Association members from the obligations of incumbent local exchange carriers under Section 251(c) of 1996 Act." On May 18, 2004, Potlatch Telephone Company, Century Tel of Idaho, Inc. and Century Tel of the Gem State filed a Petition for Clarification of Order No. 29497. The three companies requested the Commission clarify Order No. 29497 "so that the exemption is recognized to apply to all rural incumbent local exchange carriers and not just ITA members."

Staff recommends the Commission approve the Petition for Clarification and issue an order clarifying Order No. 29497 to make clear that the exemption under Section 251(c) of the Telecom Act applies to all rural telephone carriers and not just ITA members. Specifically, the sentence can be changed to state as follows: "Furthermore, this grant of a CPCN to Verizon Avenue is subject to the exemption of rural telephone companies from the obligations of incumbent local exchange carriers under Section 251(c) of the 1996 Act...."

COMMISSION DECISION

Should the Petition for Clarification filed by Potlatch Telephone Company, Century Tel of Idaho, Inc, and Century Tel of the Gem State to clarify Order No. 29497 be approved?



Weldon Stutzman

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