

## DECISION MEMORANDUM

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

**FROM:** JOHN HAMMOND

**DATE:** MAY 6, 2004

**SUBJECT:** OCMC, INC.'S MOTION TO TERMINATE THE COMMISSION'S INVESTIGATION REGARDING PRICE LIST NON-COMPLIANCE AND THE COMMISSION'S OPERATOR SERVICES AND PAY TELEPHONE RULE 104.04. CASE NO. GNR-T-04-4.

On April 7, 2004, OCMC, Inc. filed a Motion to Terminate the Commission's Investigation and Memorandum in Support. OCMC contends that the Commission should terminate this investigation because Rule 104.04 cannot be enforced under *Idaho Code* § 62-620. Second, the Commission should terminate this investigation because there are no outstanding consumer complaints regarding price list noncompliance. OCMC requested oral argument on its Motion. In discussions with Staff, counsel for OCMC stated the Company's desire to argue the Motion before it must prefile direct testimony on June 1, 2004. *See* Order No. 29456.

On April 28, 2004, Staff filed a Response to OCMC's Motion to Terminate the Commission's Investigation.

### COMMISSION DECISION

Does the Commission wish to hold oral argument on OCMC's Motion prior to June 1, 2004?

If not, when does the Commission wish to hold oral argument on this Motion?

  
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John Hammond