

)
) **CASE NO. GNR-T-08-04**
)
) **NOTICE OF PETITION**
)
) **NOTICE OF**
) **INTERVENTION DEADLINE**
)
) **ORDER NO. 30702**

§ 5). Consequently, there is no legal barrier preventing Albion or other communications carriers from offering service in the Pearl area.²

In addition to telecommunications carriers building their own networks to provide service, Congress sought to facilitate competition in two additional ways. First, incumbent local exchange carriers must make their telecommunications services available at wholesale prices so that competitors can resell such services. Second, existing local carriers have a duty to interconnect their networks with the facilities of other carriers. 47 U.S.C. § 251.

In 2005, the Idaho Legislature amended *Idaho Code* § 62-605 so that Idaho incumbent local exchange carriers (ILECs) may elect to have their telecommunications services “removed” from the Commission’s Title 61 ratesetting authority. Instead, these services would be subject to regulation under Title 62. *Idaho Code* § 62-605(1) and (5). In July 2005, Qwest filed a Notice of Election to remove its telecommunications services from price regulation. Case Nos. QWE-T-05-12/13. For telecommunications services subject to Title 62, the Commission retains authority to determine the non-economic requirements related to service quality, price lists, billing practices, and customer relations rules. *Idaho Code* § 62-622(2) and (5). In addition, *Idaho Code* § 62-616 provides that the Commission may investigate and resolve customer complaints concerning the quality of local exchange service.

DISCUSSION

Based upon the information set out above, there appears to have been several efforts to determine how best to provide or improve telecommunications service to the Pearl area. It is our understanding that both Qwest and Albion have examined this issue. The Commission, on its own Motion, initiates this docket to examine this issue and the quality of existing local exchange service in the Pearl area. Qwest and Albion shall file individual reports regarding the current configuration of facilities and the need for telecommunications services in this area. The report shall also include any line extension or feasibility cost studies to extend or improve service to the Pearl area. The report should also discuss construction costs, alternative cost

² In October 2002, the Commission granted Big Sky Telecom’s Application to provide facilities-based and resold local exchange services to the community of Pearl. See Order Nos. 29129 and 29105. The Commission noted in Order No. 29129 that the “Staff, Qwest and other wireline companies have spent many hours trying to find an economical way of providing service to [the Pearl] area with no success to date. Staff believes that Big Sky’s wireless solution may be a means to achieve that goal.” Order No. 29129 at 2.

recovery methods, and other issues the carriers believe should be brought to the Commission's attention.

To process this case in an orderly manner, the Commission directs the Commission Staff to convene an informal prehearing conference. At the prehearing conference, the Petitioners should be prepared to describe in greater detail their complaint(s) and concerns about the quality of local service and whether they have designated a spokesperson (or retained counsel). The parties will also decide the timing of the reports and whether to add further topics to the reports.

DEADLINE FOR INTERVENTION

YOU ARE HEREBY NOTIFIED that **persons desiring to intervene** in this matter for the purpose of presenting evidence or cross-examining witnesses **must file a Petition to Intervene** with the Commission pursuant to this Commission's Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and .073. Persons intending to participate in this proceeding as parties must file a Petition to Intervene **no later than 14 days from the service date of this Order**. Persons seeking intervenor status shall also provide the Commission Secretary with their electronic mail address to facilitate further communications in this matter.

YOU ARE FURTHER NOTIFIED that persons desiring to present their views without parties' rights of participation and cross-examination are not required to intervene and may present their comments without prior notification to the Commission or the parties.

YOU ARE FURTHER NOTIFIED for purposes of administrative efficiency, the Commission designates both Qwest and Albion as parties to this case. We invite other telecommunication entities with the potential of serving the Pearl area to participate in this proceeding. The Commission is interested in exploring all alternatives to providing local exchange service in and to this area.

YOU ARE FURTHER NOTIFIED that once the deadline for intervention has passed, the Commission Secretary shall issue a Notice of Parties.

YOU ARE FURTHER NOTIFIED that after the Notice of Parties is issued, the Commission anticipates that the parties will informally convene to devise a recommended schedule to process this case. Once the schedule is developed, the Commission will issue subsequent notices or orders. In addition to the schedule, the parties may discuss discovery logistics, electronic service and other scheduling or procedural matters.

NOTICE OF PETITION

NOTICE OF INTERVENTION DEADLINE

ORDER NO. 30702

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter pursuant to Title 61 and Title 62 of the Idaho Code and specifically *Idaho Code* §§ 62-615(1) and 62-616. The Commission may enter any final Order consistent with its authority under Title 61 or Title 62.

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.*

ORDER

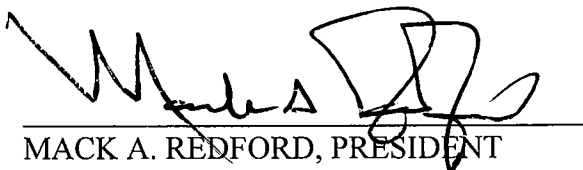
IT IS THEREFORE ORDERED that the Commission on its own Motion initiates this proceeding to examine the Petition regarding the quality of telecommunication services to the Pearl area.

IT IS FURTHER ORDERED that Qwest Corporation and Albion Telephone Company are designated as parties to this proceeding. As set out above, other interested persons may petition to intervene.


IT IS FURTHER ORDERED that the Commission Secretary serve a copy of this Notice to the list of Petitioners.

IT IS FURTHER ORDERED that after the Notice of Parties is issued, the Staff shall convene an informal prehearing conference with the parties to discuss the processing of this case and other issues.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12th
day of December 2008.


MACK A. REDFORD, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


JIM D. KEMPTON, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

bls/O:GNR-T-08-04_dh