(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE  PETITION OF AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC. FOR INTRALATA EQUAL ACCESS AND CARRIER PRESUB-SCRIPTION IN THE SERVING TERRITORY OF U S WEST COMMUNICATIONS, INC. | )  )  )  )  )  )  )  ) | CASE NO. GNR-T-94-5  ORDER ESTABLISHING BRIEFING SCHEDULE AND ORAL ARGUMENT  ORDER NO.  27759 |

This case was initiated in December, 1994 when AT&T Communications of the Mountain States, Inc. (AT&T) filed a petition requesting that the Commission implement intraLATA toll dialing parity in U S WEST’s service territory in Idaho.  Toll dialing parity, also called 1+ equal access or carrier presubscription, allows a customer to preselect a carrier for intraLATA toll calls and then access its carrier of choice simply by dialing 1+ the telephone number.  During its 1995 session, the Idaho Legislature passed legislation amending Title 62, Idaho Code that, in effect, rendered AT&T’s petition moot.  Idaho Code § 62-608A provides that a local telephone exchange company “shall not be required to provide dialing parity to other telephone corporations for the provision of intraLATA message telecommunication services until such telephone corporation is also permitted to provide interstate and intrastate interLATA and intraLATA message telecommunication services.”

On May 23, 1996, a motion was filed by Commission Staff, U S WEST Communications, Inc.  (U S WEST), Idaho Cable Telecommunications Association, and the Idaho Telephone Association asking the Commission to vacate the hearing set in this case for June 4-6, 1996. As grounds for the motion, the parties stated that the newly enacted federal Telecommunications Act of 1996 contains provisions for the implementation of toll calling dialing parity, and thus the terms of the federal act removed any need for immediate action by the Commission.  Second, the parties stated that the only intraLATA equal access issue of immediate concern involved tariffs filed by GTE Northwest, Inc. to allow all carriers toll dialing parity in its Idaho service area.  The Commission issued Order No. 26456 to vacate the hearing in this case and on December 19, 1996 issued Order No. 26730 approving the equal access tariffs filed by GTE.  This case since then has been idle.

On October 1, 1998, MCI Telecommunications Corp. filed a single pleading entitled Motion for Declaratory Ruling, Motion for Order Requiring U S WEST to File Implementation Schedule, and Request for Prehearing Conference.  By its motion, MCI asks the Commission first to issue a declaratory ruling to clarify that U S WEST must implement intraLATA toll dialing parity in its service territory. MCI argues that “the legal requirement to offer toll dialing parity is clear,” and asks the Commission to “declare that toll dialing parity must be offered by U S WEST not later than February 8, 1999.”

MCI also asks the Commission, after declaring that U S WEST must offer toll dialing parity, to require U S WEST to file a plan for implementing the service no later than February 8, 1999.  Finally, MCI asks the Commission to schedule a prehearing conference sometime after the date set by the Commission for U S WEST to file its implementation plan.  According to MCI, the purpose of the prehearing conference would be to determine whether any parts of the plan are contested and thus require resolution by the Commission through a hearing process.

MCI asks the Commission to first issue a declaratory ruling on a legal matter, and suggests that all parties should be provided an opportunity to file an answer within fourteen days, and file responsive briefs within seven days thereafter.  In addition, Staff recommended that the Commission issue an Order providing an opportunity for all parties to respond to MCI’s Motion for a Declaratory Ruling by filing written briefs by a date certain, and allowing responsive briefs to be filed within seven to fourteen days following the initial briefs.  Once the Commission resolves the legal issue identified by MCI, Staff recommended the Commission address the other relief requested by MCI.

We find it reasonable and appropriate for all parties in this case to be given an opportunity to file legal briefs and argue the issue raised by MCI’s Motion for a Declaratory Ruling.  Accordingly, any party may file a brief on the legal requirement of U S WEST to offer toll dialing parity.  Initial briefs will be due by October 23, 1998, and responsive briefs shall be due by November 6, 1998.  Oral argument on MCI’s Motion for Declaratory Ruling will be held on WEDNESDAY, NOVEMBER 18, 1998 AT 9:30 A.M.

O R D E R

IT IS HEREBY ORDERED that any party may file a legal brief in response to MCI’s Motion for a Declaratory Ruling by October 23, 1998.  Briefs in response to the initial briefs may be filed on or before November 6, 1998.  The parties may present oral argument to the Commission on Wednesday, November 18, 1998 at 9:30 a.m.  The Commission will address MCI’s Motion for Order Requiring U S WEST to File Implementation Schedule and Request for Prehearing Conference after resolution of the Motion for Declaratory Ruling.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of October 1998.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

October 9, 1998