DECISION MEMORANDUM

TO:COMMISSIONER NELSON

COMMISSIONER SMITH

COMMISSIONER HANSEN

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

JOE CUSICK

DAVE SCHUNKE

DAVID SCOTT

WORKING FILE

FROM:WELDON STUTZMAN

DATE:JANUARY 10, 1997

RE:CASE NO. GNR-T-94-5; INTRALATA EQUAL ACCESS AND CARRIER PRESUBSCRIPTION IN U S WEST’S SERVICE TERRITORY; STAFF’S MOTION TO DISMISS

This case was initiated in December 1994 when AT&T Communications of the Mountain States, Inc.  (AT&T) filed a Petition for intraLATA equal access and carrier presubscription in U S WEST’s service territory in Idaho.  By its Petition, AT&T asked the Commission to institute dialing equal access for the intraLATA toll market in Idaho.  Thereafter, the 1995 Idaho Legislature passed legislation amending Title 62, Idaho Code that, in effect, rendered AT&T’s Petition moot.  Section 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 federal Telecommunications Act of 1996 contains provisions for the implementation of toll calling dialing parity.  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.

On December 23, 1996, Staff filed and served on all parties a Motion to Dismiss and Close Case.  Staff believes the federal Telecommunications Act will guide the implementation of dialing parity in U S WEST’s Idaho service territory.  Many issues involved with dialing parity will be resolved by individual companies pursuant to the terms of the Telecommunications Act and regulations promulgated by the Federal Communications Commission.  Staff believes this case can be dismissed and closed and thus requests that the Commission issue an order to close this case.  No party filed a response to Staff’s Motion.

Commission Decision:

Should Staff’s Motion to Dismiss and Close Case be granted?

Weldon Stutzman

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