May 1, 1998

Mr. David McCoy

PO Box 224

Victor, ID 83455

RE:Public Records Request/Notice of Partial Denial

Case No.  GNR-T-97-8

Dear Mr. McCoy:

The telecommunications analyst handling the Teton Telecom EAS, Carolee Hall, has advised me that you have requested certain documents and have asked several questions concerning the Commission’s Case No. GNR-T-97-8. Generally, the Commission Staff acts as an independent party and presents evidence in cases brought before the Commission.  In this particular case, the Staff has supported the granting of extended area service (EAS) to customers located in Teton Telecom’s Driggs exchange conditioned upon the customers’ willingness to pay.  The purpose of the May 5, 1998, hearing is to allow customers to testify regarding their willingness and ability to pay the proposed rates.

The first document enclosed is a copy of the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq.  These rules generally govern the procedures the Commission utilizes to gather evidence and conduct public hearings.  The second document is the Joint Motion and Stipulation submitted by Teton and the Staff on February 12, 1998.  It is my understanding, that you desire a copy of documents that support the Stipulation.  Consequently, Staff has asked me to provide you with the affidavit of Staff member Carolee Hall indicating why the stipulated rates were reasonable.  Our records indicate that you received Order No. 27456 issued April 13, 1998.  In that Order, the Commission discussed the stipulation and settlement.  The Commission determined that an additional public hearing would be necessary to receive evidence regarding customers’ willingness to pay the proposed increased monthly rates to pay for EAS.

I also understand that you have requested copies of documents provided by Teton Telecom which contain information substantiating the proposed rates contained in the Stipulation.  Staff advises me that it possesses such documents but they were provided by Teton Telecom under an assertion that such records are trade secrets.  Under Idaho Code § 9-340(4) trade secrets are exempt from public disclosure.  Consequently, I must partially deny your request for public records at this time.  However, you might inquire of the Company or its attorney whether it would provide you with a public summary of the confidential data or the actual documents if you enter into a protective agreement not to disclose the trade secret data to others. You may wish to contact Ron McCue, Teton Telecom, PO Box 266, Freedom, WY 83120 (307-883-2411) or to its attorney, Ken McClure, Givens Pursley, PO Box 2720, Boise ID 83701-2720, (208-388-1200).  The Commission’s lead Deputy Attorney General has reviewed your request and concurs in the partial denial.  Pursuant to Idaho Code § 9-343, you have the right to appeal the partial denial of access to public records by instituting a proceeding in the District Court of Ada County.  The Petition contesting the Commission’s decision must be filed within 180 calendar days from the date of this letter.

Finally, I understand that you have inquired about the Commission’s authority to conduct business.  Generally, the Commission is vested with the jurisdiction to supervise and regulate every public utility in this state and to do all things necessary to carry out the intent of the Public Utilities Law.  The Public Utilities Law is generally found in Title 61 and Title 62 of the Idaho Code.

I hope you find this information helpful.  If you have further questions, please contact our attorney, Don Howell, at (208) 334-0312.

Sincerely yours,

Myrna J. Walters

Commission Secretary

DLH/vld:L:McCoy

Enclosure

cc:Carolee Hall

Don Howell

MR. DAVID MCCOY

PO BOX 224

VICTOR, ID 83455