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

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| IN THE MATTER OF THE COMMISSION’S OWN INVESTIGATION INTO THE ESTABLISHMENT OF CRITERIA FOR PUBLIC INTEREST PAY TELEPHONES. | )  )  )  )  )  )  )  ) | CASE NO. GNR-T-98-1  NOTICE OF INVESTIGATION  NOTICE OF PREHEARING CONFERENCE  ORDER NO.  27402 |

YOU ARE HEREBY NOTIFIED that on October 28, 1997, this Commission received a letter from Mr. John Morris, a member of the Glenns Ferry City Council, regarding a pay telephone installed on Glenns Ferry property in front of the City jail.  The letter included a copy of correspondence that the City had received from U S WEST Communications, Inc., informing the City that it must convert the payphone to semi-public service and that the City would be obligated to pay for the cost of the line.  Otherwise, U S WEST stated that the telephone would be removed.  Mr. Morris contends that the payphone in question serves the public interest and that the Commission should take whatever steps are necessary to ensure that service is maintained without a cost to the City.

Section 276(b)(2) of the federal Telecommunications Act of 1996 (the Act) directed the Federal Communications Commission (FCC) to determine whether there was a need for maintaining payphones serving public health, safety and welfare goals and, if so, to ensure that such payphones are supported fairly and equitably.  In its payphone orders, the FCC delegated to the states the responsibility for developing and maintaining a program to provide for payphones that serve the public interest, subject to minimum guidelines established by the FCC.  According to the Act, those guidelines include the following definition of “public interest payphone.”

A payphone which (1) fulfills a public policy objective in health, safety or public welfare, (2) is not provided for a location provider with an existing contract for the provision of a payphone, and (3) would not otherwise exist as a result of the operation of the competitive marketplace.

The Act further mandates that any funding mechanism used to support a public interest payphone program must:

(1)fairly and equitably distribute the costs of such a program, and

(2)does not involve the use of subsidies prohibited by Section 276(b)(1)(B) of the 1996 Act.

In addition to the foregoing, the Act requires that each state review whether it has adequately provided for public interest payphones and report the conclusions of that review to the FCC before September 20, 1998.

YOU ARE FURTHER NOTIFIED that persons desiring to intervene in this matter for the purpose of presenting evidence or cross-examining witnesses at hearing 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 at the hearing must file a Petition to Intervene within 21 days of date of this Notice.  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 that all hearings will be conducted pursuant to the Rules of Procedure adopted by the Idaho Public Utilities Commission.  IDAPA 31.01.01.000 et seq.

YOU ARE FURTHER NOTIFIED that the Commission will conduct aPREHEARING CONFERENCEin this case on TUESDAY, MARCH 31, 1998 COMMENCING AT 9:30 A.M., M.S.T., AT THE OFFICES OF THE IDAHO PUBLIC UTILITIES COMMISSION, 472 W. WASHINGTON STREET, BOISE, IDAHO, for the purpose of discussing all procedural and substantive matters germane to this proceeding.

O R D E R

Pursuant to the mandates of the federal Telecommunications Act of 1996, this Commission hereby initiates this proceeding for the purpose of establishing criteria for public interest pay telephones as outlined above.  Regarding the complaint filed by Mr. Morris, we note that U S WEST has represented to this Commission that the pay telephone located at the Glenns Ferry jail will continue to remain in operation pending the outcome of the Commission’s decision in this matter.

IT IS HEREBY ORDERED that the Commission has initiated this docket (Case No. GNR-T-98-1) for the purpose of establishing criteria for public interest pay telephones as more specifically described herein.

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

DENNIS S. HANSEN, PRESIDENT

RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:GNR-T-98-1.bp

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

March 10, 1998