DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

RITA SCOTT

DON HOWELL

STEPHANIE MILLER

JOE CUSICK

DOUG COOLEY

DAVID SCOTT

WORKING FILE

FROM:BRAD PURDY

DATE:DECEMBER 8, 1998

RE:CASE NO.  GNR-T-98-13; APPLICATION OF LEVEL 3 COMMUNICATIONS, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  TO PROVIDE TELECOMMUNICATIONS SERVICES IN IDAHO

On October 6, 1998, Level 3 Communications, LLC (Level 3) filed an Application for a Certificate of Public Convenience and Necessity in compliance with Rule 111 of the Commission’s Rules of Procedure, IDAPA 31.01.01 and the Commission’s procedural telecommunications Order No. 26665.

Level 3 seeks authorization to provide all forms of facilities-based and resold local exchange services pursuant to Title 61 of the Idaho Code within the U S WEST (North and South) and GTE service areas in Idaho.  In addition, Level 3 seeks authorization to provide switched access service pursuant to Title 62 of the Idaho Code to interexchange carriers within these areas of Idaho.

On November 23, 1998, the Commission issued a Notice of Modified Procedure soliciting comments in response to Level 3's Application.  The only party to file comments was the Commission Staff.  Staff notes that Level 3 is owned and operated by its parent company, PKS Information Services, Inc., which is in turn wholly-owned by Level 3 Communications, Inc.  As a start up limited liability company, Level 3 does not own any subsidiaries and will rely upon its parent company for financing and capital.

Staff has fully reviewed Level 3's Application and financial situation and believes that the Company’s filing meets the requirements of the Commission’s rules and of procedural Order No. 26665.  Staff recommends that Level 3 be granted a Certificate of Public Convenience and Necessity.

Commission Decision

Does the Commission wish to grant a Certificate to Level 3?

Brad Purdy

M:GNR-T-98-13.bp3