DECISION MEMORANDUM

TO:COMMISSIONER NELSON

COMMISSIONER SMITH

COMMISSIONER HANSEN

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

JOE CUSICK

JIM LONG

DAVE SCHUNKE

JOE CUSICK

DAVID SCOTT

WORKING FILE

FROM:WELDON STUTZMAN

DATE:JANUARY 31, 1997

RE:CASE NO.  GST-T-96-1

APPLICATION BY GST IDAHO LIGHTWAVE, INC.  FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

On March 28, 1996, GST Idaho Lightwave, Inc. (GST) filed documents requesting a Certificate of Public Convenience and Necessity in the state of Idaho.  GST was the first telecommunications company to seek a certificate following passage of the federal Telecommunications Act of 1996.  After GST filed its Application, the Commission issued Procedural Order No. 26665 to clarify the filing requirements for companies seeking a certificate pursuant to the Commission’s Rule of Procedure 111 (IDAPA 31.01.01.111).  The Commission issued a Notice of Application and Modified Procedure on December 5, 1996, to process GST’s Application.

Written comments were filed in this case by the Idaho Telephone Association (ITA) and Century Telephone Enterprises, Inc. and TDS Telecom.  The only concern raised by the Century/TDS comments are “whether [GST intends] to provide local exchange and other services within exchanges other than the U S WEST and/or GTE service territories.”  The comments filed by the ITA raise the same issue, and also assert that the materials filed by GST on March 28, 1996, are insufficient on their face.  For example, the ITA asserts that the materials “fail to provide the required business information”, nor do they “indicate the kind of facilities intended to be constructed, a timetable for completion, or what, if any interconnection agreements are anticipated to serve the Boise exchange or any other exchanges.”

Since the initial filing by GST, Staff has worked with the Company to obtain compliance with the Commission’s Procedural Order No. 26665 and Rule 111.  With its additional materials filed, GST has provided the required business information as well as the other materials necessary to determine the type of facilities and arrangements GST anticipates is required to begin to provide local service.  GST requests certification only in the areas currently served by U S WEST and GTE.  Staff is satisfied that GST has complied with the Commission’s requirements to receive a Certificate of Public Convenience and Necessity to provide Title 61 services.  Staff therefore recommends approval of GST’s Application for a Certificate to serve only the areas presently served by U S WEST and GTE.

Commission Decision

Should the Application by GST for a Certificate of Public Convenience and Necessity to provide local service in the areas served by U S WEST and GTE be approved?

Weldon Stutzman

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