DECISION MEMORANDUM

TO:COMMISSIONER NELSON

COMMISSIONER SMITH

COMMISSIONER HANSEN

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

JOE CUSICK

BIRDELLE BROWN

MADONNA FAUNCE

GARY RICHARDSON

WORKING FILE

FROM:WELDON STUTZMAN

DATE:DECEMBER 11, 1996

RE:CASE NO. GTE-T-96-1

GTE’S MOTION TO LIFT TEMPORARY STATUS AND APPROVED TARIFF

On May 22, 1996, GTE Northwest, Inc.  (GTE) filed tariff Advice No. 96-09 to provide rates, terms and conditions for implementation of intraLATA equal access in its Idaho service territory.  GTE proposed an effective date of June 24, 1996, for the proposed tariffs. On June 7, 1996, the Commission suspended the filing and subsequently issued a Notice of Modified Procedure.

On July 2, 1996, AT&T Communications (AT&T) filed a request for a hearing.  On July 19, 1996, the Commission issued a Notice of Prehearing Conference set for August 25, 1996.  Petitions to Intervene were filed by MCI Telecommunications Corporation (MCI), AT&T, U S WEST Communications, Inc.  (U S WEST), the Idaho Telephone Association (ITA), Century Telephone Enterprises, Inc.  And TDS Telcom (Century/TDS).  All intervenors except ITA appeared at the prehearing conference.

At the prehearing conference, the parties agreed to terms to allow the continued processing of GTE’s tariff Advice No. 96-09.  The stipulation called for temporary approval of the tariff, continued discussions between the parties, and the filing of a progress report with the Commission by October 25, 1996, to inform the Commission whether a hearing was required to resolve any remaining issues.  On August 30, 1996, the Commission issued Order No. 26587 approving the stipulation of the parties and providing for temporary approval of GTE’s tariff until December 20, 1996.

On October 24, 1996, GTE provided a progress report to the Commission indicating that the parties had resolved most if not all of the remaining issues regarding the tariff.  GTE stated its belief that no hearing was required, and no other party requested a hearing.

On November 29, 1996, GTE filed a Motion to Lift Temporary Status and Approve Tariff.  GTE’s Motion states that GTE and AT&T have reached a Settlement Agreement resolving the issues concerning the parties.  A copy of the Settlement Agreement is attached to the Motion.  In view of the settlement, GTE requests that the Commission lift its temporary approval of tariff Advice No. 96-09 and finally approve the tariff.  Staff recommends approval of the tariff, but also recommends that GTE modify its tariff by December 20, 1996, to provide wording changes recommended by Staff.  GTE has indicated it is willing to file tariff revisions consistent with Staff’s recommendation.

Commission Decision

Should GTE’s tariff Advice No. 96-09 to add rates, terms and conditions for intraLATA equal access in its Idaho service territory be approved?

Weldon Stutzman

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