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

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| IN THE MATTER OF A RURAL TELEPHONE COMPANY EXEMPTION FOR GTE NORTHWEST INCORPORATED’S IDAHO OPERATIONS | )  )  )  )  )  ) | CASE NO. GTE-T-97-4  NOTICE OF HEARING  ORDER NO.  26812 |

On February 7, 1997, the Commission received a Petition for Arbitration from AT&T to resolve interconnection issues with GTE.  Exhibit 4 of the Petition is a copy of AT&T’s request for interconnection with GTE.

Section 251(f) of the Telecommunications Act of 1996 provides an exemption for incumbent local exchange carriers that are also rural telephone companies.  Specifically, the Act’s interconnection and resale requirements “shall not apply to a rural telephone company until (i) such company has received a bona fide request for interconnection, services, or network elements, and (ii) the state commission determines (under subparagraph (B)) that such request is not unduly economically burdensome, is technically feasible, and is consistent with section 254 [universal service].”  GTE previously sent written correspondence to the Commission informing the Commission that it regards its operations in Idaho as entitled to the exemption.

Subparagraph (B) of Section 251(f) requires a state commission to terminate the exemption under certain circumstances.  After a party makes a request of a rural telephone company for interconnection, and submits a notice of  its request to a state commission, the commission is required to conduct an inquiry for the purpose of determining whether to terminate the exemption.  Within 120 days after the commission receives notice of the interconnection request, the commission must terminate the exemption, if the request is not unduly economically burdensome, is technically feasible, and is consistent with the universal service section.  The Commission received a notice of the AT&T request to GTE on February 7, 1997.  The Commission therefore opens this docket to determine whether the rural telephone company exemption applies to GTE’s operations in Idaho.

Because AT&T has already filed its Petition for Arbitration, we find that the rural telephone company exemption issue should be determined as expeditiously as possible.  Additional­ly, AT&T along with Staff are designated as parties in this case.  We adopt the following schedule to process this matter:

Prefile testimony by GTEMarch 10, 1997

Prefile testimony by other PartiesMarch 26, 1997

Prefile rebuttal testimony by GTEApril 3, 1997

HearingApril 8, 1997

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that the Commission will consider GTE’s status as a rural telephone company for its Idaho operations as defined by the federal Telecommunications Act of 1996.

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 on or before  March 3, 1997.  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 has adopted the schedule set out above to process this case, and will conduct a hearing on TUESDAY, APRIL 8, 1997 COMMENCING AT 9:30 A.M. IN THE HEARING ROOM OF THE IDAHO PUBLIC UTILITIES COMMISSION, 472 W. WASHINGTON, BOISE, ID.

O R D E R

IT IS HEREBY ORDERED that this matter will be processed pursuant to the schedule set forth above.  Pending determination of the rural exemption issue, the processing of this case will not effect AT&T’s Petition for Arbitration.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of February 1997.

                                                                                                                                      RALPH NELSON, PRESIDENT

                                                                                           MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

February 21, 1997