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

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF GTE NORTHWEST, INCORPORATED’S TARIFF ADVICE NO. 97-06 REQUESTING APPROVAL TO MODIFY ITS SERVICE PERFORMANCE GUARANTEE. | )  )  )  )  )  )  ) | CASE NO. GTE-T-97-9  NOTICE OF MODIFIED PROCEDURE  ORDER NO.  27025 |

On June 12, 1997, GTE filed Tariff Advice No. 97-06 to modify its current service performance guarantee program.  When GTE fails to meet a commitment for installing a new service or repairing an existing service, than GTE currently provides affected customers with a credit of $25 or $100 for residential or business customers, respectively.(footnote: 1)  In this tariff advice, GTE proposes to provide customers with another alternative besides providing credits on monthly bills.  More specifically, GTE proposes that customers be offered the choice of receiving the billing credit or receiving a prepaid intraLATA toll calling card in an amount equal to the monetary credit.  GTE sought an effective date of July 16, 1997.

Following its submission of the tariff advice, AT&T of the Mountain States and MCI Telecommunications both filed letters objecting to GTE’s proposal to provide customers with the added option of choosing the prepaid toll calling card.  AT&T asserted that allowing GTE to offer a calling card would be “woefully anti-competitive and improper in light of Commission efforts toward opening the local exchange market to competition.  GTE is attempting to gain an unfair advantage with customers.”  MCI expressed a similar concern and noted that under Commission Rule 134.01, the tariff advice process “is appropriate when a utility proposes ‘minor changes’ to existing schedules.  MCI believes that [the proposal] may have competitive implications taking the advice outside the realm of a ‘minor change’ as the phrase is commonly understood.”  Consequently, MCI requested that the Commission suspend the tariff advice and allow comments to be submitted on GTE’s proposal.(footnote: 2)

NOTICE OF MODIFIED PROCEDURE

YOU ARE HEREBY NOTIFIED that given the concerns raised by AT&T and MCI, the Commission believes that it is appropriate to process this tariff advice under Modified Procedure.  The Commission has also determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through -.204.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on GTE’s tariff advice may file a written comment in support or opposition with the Commission within fourteen (14) days from the date of this Order.  The comment must contain a statement of reasons supporting the comment.  Persons desiring a hearing must specifically request a hearing in their written comments.  Written comments concerning this tariff advice shall be mailed to the Commis­sion and the Applicant at the addresses reflected below:

COMMISSION SECRETARYA. TIMOTHY L. WILLAMSON

IDAHO PUBLIC UTILITIES COMMISSIONRICHARD E. POTTER

PO BOX 83720GTE NORTHWEST INCORPORATED

BOISE, IDAHO  83720-00741800 41ST STREET

EVERETT, WA 98201

Street Address for Express Mail:

472 W WASHINGTON ST

BOISE, IDAHO  83702-5983

These comments should contain the case caption and case number shown on the first page of this document.

YOU ARE FURTHER NOTIFIED that GTE will be afforded an opportunity to respond to the written comments submitted by interested persons in this matter.  If it desires, GTE maysubmit a response to the written comments no later than twenty-eight (28) days from the service date of this Order.

YOU ARE FURTHER NOTIFIED that if no written comments are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing.  If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the tariff advice has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and that the Commission may enter any final Order consistent with its authority under Title 61.  All proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq.

YOU ARE FURTHER NOTIFIED that the Commission has authority under Idaho Code § 61-622 to suspend the services that are subject of the tariff advice for a period of thirty (30) days plus two (2) months from the proposed effective date of July 16, 1997.  It is necessary to suspend the rate in this Application for a period of thirty (30) days plus two (2) months from the proposed effective date to allow the Commission to hear the evidence to be presented in this matter and to consider and determine the issues.

O R D E R

IT IS HEREBY ORDERED that Tariff Advice No. 97-06 be suspended for a period of thirty (30) days two (2) months from the proposed effective day of July 16, 1997.

IT IS FURTHER ORDERED that this matter be processed under Modified Procedure.  Interested persons will have fourteen (14) days from the service date of this Order to file written comments and GTE Northwest will be allowed to file a written response to those comments within twenty-eight (28) days from the service date of this Order.

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

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Jean Jewell

Assistant Commission Secretary

vld/O:GTE-T-97-9..dh

**FOOTNOTES**

1:

The credit is not applicable to public pay telephone service, toll services, or wide area telephone service (WATS).

2:

Normally pleadings requesting the Commission deny a request contained in an application or tariff advice, should be in the form of a Motion.  See Rule 56 of the Commission’s Rules of Procedure, IDAPA 31.01.01.056.  In this instance, the Commission treats the two letters as Motions to Deny GTE’s Request.  Future objections should conform to the Commission’s Rules of Procedure.

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

July 1, 1997