DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

JOE CUSICK

DAVID SCOTT

WORKING FILE

FROM:WELDON STUTZMAN

DATE:MAY 14, 1997

RE:APPROVAL OF APPLICATIONS OF PHOENIX FIBERLINK OF IDAHO, INC. (BROOKS FIBER COMMUNICATIONS OF IDAHO, INC.)  AND MCLEOD TELEMANAGEMENT, INC.  FOR CERTIFICATES OF PUBLIC CONVENI­ENCE AND NECESSITY; CASE NO. PFI-T-96-1 AND CASE NO. MTI-T-96-1

On July 16, 1996, Phoenix Fiberlink of Idaho, Inc. filed an Application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications service.  The Application requests a Certificate to authorize local exchange service in the areas currently served by U S WEST and GTE Northwest.  On April 22, 1997, Phoenix Fiberlink filed an amended Application following the merger of Phoenix Fiberlink with Brooks Fiber Communications.  The amendment updates the information provided in the application and completes the information required by Commission Rule of Procedure 111 and Order No. 26665, clarified in Order No. 26738.  The amendment requests that the Certificate be issued in the name of Brooks Fiber Communications of Idaho, Inc.

On December 5, 1996, the Commission issued a Notice of Application and Notice of Modified Procedure establishing a 21-day comment period.  No comments were filed during the comment period.  Staff has reviewed the filings and is satisfied that Brooks Fiber has complied with the Commission’s rules for issuance of a Certificate of Public Convenience and Necessity.  Staff therefore recommends that the Commission issue a certificate authorizing Brooks Fiber to provide local telecommunications service within the areas currently served by U S WEST and GTE.

McLeod Telemanagement, Inc. (McLeod) filed its Application for a Certificate of Public Convenience and Necessity on December 5, 1996, requesting authorization to provide service in the area currently served by U S WEST.  The Commission issued a Notice of Application  and Notice of Modified Procedure on February 6, 1997.  No comments were filed during the comment period.  Staff has reviewed the material provided by McLeod and is satisfied that McLeod has provided the necessary information required by the Commission’s Rules of Procedure and Procedural Order No. 26665, which sets out the necessary information to be included with an application for a certificate.  Staff therefore recommends that the Commission issue a Certificate of Public Convenience and Necessity to McLeod authorizing it to provide telecommunications service in the areas currently served by U S WEST.

Commission Decision

1.  Should the Commission issue a Certificate of Public Convenience and Necessity to Brooks Fiber Communications of Idaho, Inc. (formerly Phoenix Fiberlink of Idaho, Inc.) authorizing it to provide local telecommunications service in areas currently served by U S WEST and GTE?

2.  Should the Commission issue a Certificate of Public Convenience and Necessity to McLeod Telemanagement, Inc. authorizing it to provide telecommunications services in the areas currently served by U S WEST?

Weldon Stutzman

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