

Conley E. Ward (ISB #1683)  
Michael C. Creamer (ISB #4030)  
GIVENS PURSLEY LLP  
601 West Bannock Street  
P.O. Box 2720  
Boise, Idaho 83701-2720  
Telephone: 208-388-1200  
Facsimile: 208-388-1300  
S:\CLIENTS\1233\183\Comments on Qwest Application.DOC

RECEIVED   
FILED   
2004 MAY 26 PM 3:48  
IDAHO PUBLIC  
UTILITIES COMMISSION

*Attorneys for Idaho Telephone Association*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION  
FOR CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY AND  
TITLE 62 NOTICE OF QWEST  
COMMUNICATIONS CORPORATION

Case No: QCC-T-04-1

**COMMENTS OF IDAHO TELEPHONE  
ASSOCIATION**

Idaho Telephone Association (“ITA”), through its attorneys Givens Pursley LLP, on behalf of its member independent local exchange carriers, and pursuant to IDAPA 31.01.01.203 and Commission Order 29496, hereby submits Comments on the above-captioned Application of Qwest Communications Corporation. (“QCC”).

**COMMENTS**

1. The independent local exchange carries on whose behalf ITA submits these Comments currently are the exclusive providers of basic local exchange service within their respective service areas pursuant to Certificates of Public Convenience and Necessity issued by the Idaho Public Utilities Commission (“Commission”).

2. QCC’s Application seeks to amend its Certificate of Public Convenience and Necessity to enable it to provide local services throughout the State of Idaho. QCC requests this

amendment to provide local exchange service and vertical features to business and residential customers throughout the State of Idaho. QCC intends to provide local services using a combination of its own facilities and resold services and/or unbundled network elements.

3. Each of ITA's member local exchange carriers meet the definitions of a "Common Carrier," "Telecommunications Carrier" and "Rural Telephone Carrier" under the Federal Telecommunications Act of 1996 ("1996 Act").

4. QCC has not made a bona fide request to ITA's members for interconnection, services or network elements.

5. Any grant of certificate authority to QCC should be made expressly subject to the exemption of ITA members from the obligations of incumbent local exchange carriers under section 251(c) of the 1996 Act, until such time as the requirements for lifting such exemption contained in section 251(f) of the 1996 Act have been met.

Respectfully submitted this 26<sup>th</sup> day of May 2004.

GIVENS PURSLEY LLP

By: 

Conley E. Ward

Michael C. Creamer

*Attorneys for Idaho Telephone  
Association*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of May 2004, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington Street  
Boise, ID 83720-5983

U.S. Mail  
 Facsimile  
 Hand Delivery  
 Overnight Mail

Mary S. Hobson  
Stoel Rives LLP  
101 S. Capitol Blvd., Suite 1900  
Boise, ID 83702-5958

U.S. Mail  
 Facsimile  
 Hand Delivery  
 Overnight Mail

Adam L. Sherr  
Qwest  
1600 7<sup>th</sup> Avenue—Rom 3206  
Seattle, WA 98191

U.S. Mail  
 Facsimile  
 Hand Delivery  
 Overnight Mail

  
\_\_\_\_\_  
Michael C. Creamer