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IDAHO PUBLIC
UTILITIES COMMISSION

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF QWEST
CORPORATION'S NOTICE OF
ELECTION FOR ITS SOUTHERN
IDAHO OPERATIONS**

CASE NO. QWE-t-05-13

**QWEST CORPORATION'S NOTICE OF
ELECTION FOR ITS SOUTHERN
IDAHO OPERATIONS**

Qwest Corporation (Qwest), by and through its undersigned attorneys, hereby files its Notice of Election in accordance with the provisions of Idaho Code § 62-605. By this Notice, Qwest elects to make all of its retail services in southern Idaho subject to the provisions of Chapter 62 Idaho Code, as amended.

I. BACKGROUND

In March 1989, Qwest's predecessor, The Mountain States Telephone and Telegraph Company, which was doing business in southern Idaho at that time as U S WEST Communications, filed a notice of election under the newly enacted Telecommunications Act of 1988, seeking to make certain of its services subject to the provisions of Title 62, Idaho Code. Pursuant to the language of the statutes in effect at that time, Qwest's predecessor acknowledged

that the provision of basic local exchange service would continue under the terms of the Idaho Public Utilities Law as set forth in Title 61, Idaho Code. In addition, to "facilitate a smooth implementation of the Telecommunications Act of 1988" the company worked cooperatively with the Commission Staff to define a list of services provided by the company in addition to the basic local exchange services provided to residence and small business customers that would remain subject to regulation under Title 61, Idaho Code.¹ That list of services that remained subject to Title 61 regulation was attached to the company's 1989 Notice filing.² In its Order No. 22552 issued May 24, 1989, the Commission acknowledged that "non-basic local exchange services are no longer subject to the Commission's Title 61 regulation thirty days after the telephone corporation files its Notice of Election" but noted there remained certain issues in dispute relative to the mechanics of the implementation of the Telecommunications Act of 1988. Those issues were largely resolved by agreement between the company and Commission Staff. The resolutions of these disputes were captured in Order No. 22552, and in the subsequent Order No. 22632 issued July 17, 1989.

In the years that followed the above-described Notice of Election, Qwest and its predecessor operated in southern Idaho under a split regulatory regime with the majority of its services subject to regulation under Title 62, Idaho Code, while basic local exchange service and a small number of other services listed by the company in its 1989 Notice remained under the more restrictive regulation provided under Title 61, Idaho Code. Over the years the Telecommunications Act of 1988 was amended on several occasions, but the limitation that basic

¹ See Docket No. MTB-T-89-1 *Notice of Election to Be Subject to the Provisions of the Telecommunications Act of 1988*, U S WEST Communications' Notice of Election, p. 5.

² *Id.* at Attachment B.

local exchange service could not be the subject of a Notice of Election under Idaho Code § 62-605 remained in the statute.

On March 4, 2005, the Idaho Legislature again amended the telecommunications law in Idaho to, *inter alia*, allow telephone corporations to elect to make all of their services, including basic local exchange services, subject to Title 62, Idaho Code. This amendment was signed into law on March 29, 2005, and became effective on July 1, 2005.

It is Qwest's intention by this Notice of Election to remove all of its services from regulation under Title 61, Idaho Code and make them subject to Title 62.

II. NOTICE OF ELECTION

A. Idaho Code § 62-605 Requirements

1. Subsection (1)(a) -- Name and address of the telephone corporation.

Qwest Corporation is a Colorado corporation and is authorized to do business in the state of Idaho. Qwest's business address in Idaho is 999 Main Street, Boise, Idaho, 83702.

Correspondence to Qwest should be directed as follows:

Jim Schmit
Qwest Corporation
999 Main Street – 11th Floor
Boise, ID 83702

Adam Sherr
Qwest
1600 7th Avenue - Room 3206
Seattle, WA 98191

2. Subsection (1)(b) -- Narrative description of telecommunications services provided and geographic area served by Qwest.

Qwest offers a broad array of intra- and interstate telecommunications services to individuals and businesses in southern Idaho. Qwest's existing service area for most of its services is more particularly defined in the exchange maps on file with the Commission and in

the territorial descriptions set forth as part of the Company's existing certificate of public convenience and necessity No. 255, issued July 17, 1963 and as subsequently amended. For notice purposes these exchange maps and the certificate are incorporated herein by reference.

A more detailed list of services offered by Qwest may be found by referring to Qwest's existing tariffs, catalogs and price lists, which are on file with the Commission and which, for notice purposes, are incorporated herein by reference.

B. Services Subject to this Notice of Election

The vast majority of the services provided by Qwest are presently subject to Title 62, Idaho Code either by virtue of Qwest's predecessor's 1989 Notice of Election or because the services were introduced after the effective date of the Telecommunications Act of 1988 and did not meet the definition of basic local exchange services. The telecommunications services offered by Qwest that are relevant to this Notice are local network access and usage for residence customers and for business customers with five or fewer lines, including but not limited to, flat-rated, measured, PAL, ITAP, and vacation services, and the local network and usage components of packaged services such as "Qwest Choice Business" and "Qwest Choice Home." The foregoing shall hereinafter be referred to collectively as "basic local exchange service." In addition to basic local exchange service, Qwest also gives notice that it intends to offer all of the additional services which the company elected in its 1989 notice to remain subject to regulation under Title 61, under the provisions of Title 62, including:

- (1) All one-time connection charges associated with basic local exchange services including installation, move and change charges;
- (2) Itemized billing detail for basic local exchange services;
- (3) Direct Inward Dialing (DID) on fewer than six lines;
- (4) Basic Intercept Message services;

- (5) Charges for Basic New Number Referral Service;
- (6) Automatic dialing and announcement restrictions;
- (7) Construction charges and Land Development Agreements (LDA's);
- (8) Directory screening/restriction services (e.g., non-published/ non-listed numbers);
- (9) Blocking access to 976, 900 information services;
- (10) Caller ID blocking service;
- (11) Toll Restriction service; and
- (12) Charges for "local" operator services including emergency, interrupt, and busy-line verification.

C. Services Qwest Intends to Leave Subject to the Provisions of Title 61, Idaho Code

Qwest intends that all of its services be offered under Title 62, and that none of its services be regulated under Title 61, Idaho Code, upon the effective date of this Notice.

D. Qwest Price Lists

Attachment A to the original of this Notice is a copy of Qwest's *Southern Idaho Network and Exchange Services Catalog*, which has been amended to reflect the inclusion of basic local exchange services and the services listed in Section II. B above. The effective date of this Catalog is August 1, 2005, which coincides with the date upon which this Notice becomes effective by operation of Idaho Code § 62-605. On that date Qwest's *Southern Idaho Basic Local Exchange Tariff* will be withdrawn in its entirety.

Attachment A reflects the availability, price, and terms and conditions for the majority of services Qwest provides pursuant to Title 62, Idaho Code to consumers.³ All of the services that are the subject of this Notice, including all of Qwest's basic local exchange services in southern

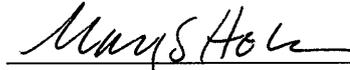
³ In addition to the *Southern Idaho Network and Exchange Services Catalog* Qwest also maintains a *Southern Idaho Access Service Catalog*, which contains service offerings used by other telecommunications carriers, a *Southern Idaho Private Line Transport Catalog*, and a *Southern Idaho Advanced Communications Services Catalog*, which includes service offerings used primarily by large businesses.

Idaho, are offered in Qwest's *Southern Idaho Network and Exchange Services Catalog* at prices identical to those contained in the tariff. Attachment A reflects the formerly tariffed prices for all services previously offered under the Title 61 tariff. After the effective date of the Catalog, i.e., August 1, 2005, any price changes will be governed by the provisions of Title 62, Idaho Code.

E. Effective Date

The effective date of this Notice is August 1, 2005.

Respectfully submitted this 1st day of July, 2005.



Mary S. Hobson
Stoel Rives LLP

Adam Sherr
Qwest

Attorneys for Qwest Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July, 2005, I served the foregoing **QWEST CORPORATION'S NOTICE OF ELECTION FOR ITS SOUTHERN IDAHO OPERATIONS** upon all parties of record in this matter as follows:

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, Idaho 83720-0074
jjewell@puc.state.id.us

<u> X </u>	Hand Delivery
_____	U. S. Mail
_____	Overnight Delivery
_____	Facsimile
_____	Email

Weldon Stutzman
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, Idaho 83720-0074

<u> X </u>	Hand Delivery
_____	U. S. Mail
_____	Overnight Delivery
_____	Facsimile
_____	Email



Brandi L. Gearhart, PLS
Legal Secretary to Mary S. Hobson
Stoel Rives LLP

**SEE CASE FILE
FOR VOLUMINOUS
ATTACHMENT**