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

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| IN THE MATTER OF THE JOINT PETITION OF U S WEST COMMUNICATIONS, INC.  AND SILVER STAR TELEPHONE COMPANY, INC.  FOR CLARIFICATION OF THEIR RESPECTIVE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY. | )))))) | CASE NOS. USW-S-96-7                        SIL-T-96-2ORDER NO.  26579 |
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On August 5, 1996, U S WEST Communications and Silver Star Telephone Company filed a Joint Petition requesting that the Commission “clarify” the boundary separating the two companies’ service areas in Caribou County.  In essence, the companies have discovered that their certificated service areas overlap in northern Caribou County near the community of Wayan.  Based upon the existing location of facilities and customers served, the petitioners have reached an agreement on the appropriate division of the overlapping service areas between the two companies.

Silver Star and U S WEST were each issued Certificates of Public Convenience and Necessity to serve portions of Caribou County in 1963.  In 1967, U S WEST amended its Certificate and included a more detailed service territory description by specifying townships, ranges and sections for its Soda Springs exchange.  Unbeknownst to the parties, this 1967 amendment to U S WEST’s Certificate inadvertently overlapped a portion of Silver Star’s service area located in the Wayan exchange.

The service territory in question is sparsely populated.  The petitioners maintain that the proposed division will have no effect on the use of current telecommunication facilities or on existing customers.  Service to existing customers will remain the same.  They also declare that their proposal will not affect the service territories of any other certified telecommunications carrier and will not interfere with the lines or plant of any other public utility.  Neither company will be required to construct nor expand any facilities if the Commission approves the proposed division.  The companies request that their Petition be processed under Modified Procedure. The  Commission Staff has reviewed the petition and recommends that the Commission adopt the proposal.

D I S C U S S I O N

After reviewing this matter, the Commission grants the Joint Petition to further delineate the certificated service areas of U S WEST and Silver Star.  Based upon the lack of any adverse affects to customers, facilities or other utilities, as well as the Staff’s recommendation, we find that it is reasonable to partition the overlapping service areas as proposed by the two companies.  We further find that processing the Petition under Modified Procedure is unnecessary in this instance given the lack of any adverse affects and the ministerial nature of adjusting the service area boundary.

O R D E R

IT IS HEREBY ORDERED that the Joint Petition filed by Silver Star and U S WEST to apportion their overlapping service areas in Caribou County is granted.  The western portion of the overlapped area will be retained by U S WEST as part of its Soda Springs exchange; the eastern portion will be retained by Silver Star as part of its Wayan exchange.  The division of the service territory in question is portrayed in the Attachment to this Order and more specifically portrayed in Exhibit C to the Joint Petition.

IT IS FURTHER ORDERED that U S WEST and Silver Star Telephone Certificates of Public Convenience and Necessity be amended to reflect the changes in the service territory boundary.  Each Company shall forward to the Commission Secretary within 21 days of the service date of this Order the necessary language to amend their respective Certificates of Public Convenience and Necessity incorporating the changes.  Following the Staff’s review, the Commission will issue the necessary amendments to the two Certificates.

THIS IS A FINAL ORDER.  Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in these Case Nos.  USW-S-96-7 and SIL-T-96-2 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in these Case Nos.  USW-S-96-7 and SIL-T-96-2.  Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration.  See Idaho Code § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of August 1996.

RALPH NELSON, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:USW-S-96-7.dh

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

August 28, 1996