December 8, 1997

Dean J.  Miller

McDevitt & Miller

537 W Bannock, Ste 215

PO Box 2564

Boise, ID 83702

Greg Harwood

Davis Wright Tremaine LLP

877 W Main Street, Ste 604

Boise, Idaho 83702-8200

RE: Supreme Court Appeal of Centrex Plus Case

Supreme Court No. 23633/23634

Dear Joe Miller and Greg Harwood:

At page 13 of the Appellant’s Reply Brief filed in the appeal of the Centrex Plus case, the following state­ments appear: “Significantly, every other state commission or court in the U S WEST 14-state region that has considered the issue reached the opposite conclusion.  The Idaho Public Utilities Commission is a minority of one in its belief that discrimination does not exist.”  In a previous conversation with Joe Miller, I indicated these statements were inaccurate because other state commissions reached the same conclusion as the IPUC in regard to the withdrawing of Centrex Service.  I have since obtained copies of the relevant decisions from the Public Service Commission of Montana and the Nebraska Public Service Commission, both of which reached the same conclusion as the IPUC regarding the withdrawal of Centrex Service.  Copies of the decisions are enclosed for your convenience.

Not only are the representations in the Reply Brief false, but they are particularly troubling in light of the fact that both AT&T and MCI were parties in the Montana and Nebraska cases.  I understand

from my conversation with Mr. Miller, and consistent with an attorney’s obligation to not misrepresent facts to a tribunal, that the Appellants will file a correction with the Idaho Supreme Court.

I appreciate your prompt attention to this matter.

Sincerely,

Weldon B.  Stutzman

Deputy Attorney General

WBS/vld:L:miller.ws

Enclosures

cc:Frederick Lyons

Clerk of Supreme Court