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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE IMPROVING OR REPLACING U S WEST COMMUNICATIONS’ REVENUE SHARING PLAN FOR SOUTHERN IDAHO. | )  )  )  )  ) | CASE NO. USW-S-95-4  ORDER NO.  26354 |

On February 7, 1996, MCI Telecommunications filed a Motion requesting that the Commission issue an Order rejecting the U S WEST Communications and Commission Staff joint proposal in this case.  Given the anticipated enactment of the federal Telecommunications Act of 1996, MCI urged the Commission to reject the joint proposal and to initiate a new proceeding to implement provisions of the federal Act.  On February 12, 1996, U S WEST filed a Motion Requesting Additional Time in which to Answer MCI’s Motion.  In its Motion for additional time, U S WEST noted that at the time MCI filed its Motion, the President had not even signed the legislation into law.  U S WEST stated that MCI’s Motion “raises questions not only of the proper interpretation of the comprehensive new [federal] legislation but also the scope of federal jurisdiction to interfere with the actions of state legislatures and administrative agencies.”  U S WEST Motion at 1.  U S WEST maintained that it needed additional time to complete an analysis of this comprehensive federal legislation before it may reasonably respond to MCI’s Motion.  The Company asked to file its Answer on March 7, 1996.

On February 28, 1996, the Commission Staff filed a Motion requesting that the Commission suspend the prefile rebuttal date and the hearing date in this matter.  In the scheduling Order for this case, the Commission established a rebuttal filing date for U S WEST and the Staff of March 15, 1996.  Order No. 26245 at 4.  The same Order set the hearing in this matter for April 9, 1996.  Id.  The Staff maintained that it would be appropriate for the Commission to suspend this proceeding until such time as the Commission has ruled on MCI’s substantive motion.  Staff noted in its Motion that none of the 14 parties oppose its Motion but the Staff was unable to contact one party to ascertain whether it would oppose Staff’s Motion.

DISCUSSION

It is reasonable to grant U S WEST’s Motion for an Extension of Time.  Given the substantive nature of MCI’s Motion, we find it reasonable and appropriate to grant U S WEST’s Motion.  U S WEST shall file its Answer no later than March 7, 1996.

Having granted U S WEST’s Motion, it is also reasonable to partially grant the Staff’s Motion.  As the Staff points out in its brief, the date to file rebuttal testimony is March 15, 1996.  Accordingly, we find: It is reasonable to suspend the prefile rebuttal date of March 15, 1996.  At this time, however, we are not inclined to suspend the hearing date.

O R D E R

IT IS HEREBY ORDERED that U S WEST’s Motion for Additional Time is granted.  The Company is directed to file its Answer to MCI’s Motion no later than March 7, 1996.

IT IS FURTHER ORDERED that Staff’s Motion to Suspend the Rebuttal Filing and Hearing Dates is partially granted.  The rebuttal filing date for U S WEST and the Staff of March 15 is suspended.  Suspension of the hearing date is denied at this time.

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

                                                                                                                                      RALPH NELSON, PRESIDENT

                                                                                           MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:USW-S-95-4.dh2

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

March 5, 1996