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

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| IN THE MATTER OF THE INVESTIGATION CONCERNING U S WEST COMMUNICA­TIONS’ COMPLIANCE WITH TELECOMMU­NI­CA­TION SERVICE RULE 503, IDAPA 31.41.01.503. | )  )  )  )  )  )  ) | CASE NOS.USW-N-95-2                      USW-S-95-8  ORDER NO.  26610  ORDER TO SHOW CAUSE |
|  |  |  |

On January 19, 1996, the Commission issued Order No. 26303 adopting a Consent Agreement entered into between U S WEST Communications and the Commission Staff.  The Consent Agreement provided that U S WEST would voluntarily pay a civil penalty for each month that the Company failed to meet the requirements of our Telephone Customer Relations Rules 503.  Rule 503 requires that a telephone company generally restore local service within twenty-four (24) hours from the time a service outage is reported.  IDAPA 31.41.01.503.01.  The rule further provides that telephone companies “clear” ninety percent (90%) of the out-of-service trouble reports within 24 hours each month.

Order No. 26303 provides that U S WEST would pay $5,000 for southern Idaho and $2,500 for northern Idaho for each month that it failed to meet the 90% standard.(footnote: 1)  When the Company satisfied the 90% standard for three consecutive months in both northern and southern Idaho, its obligation to pay the civil penalties would terminate.  U S WEST was directed to report its compliance with the 90% standard on a monthly basis.  The Order also stated that U S WEST’s performance would be reviewed after the Company met the 90% standard for three months or in approximately six months, whichever occurred first.  Order No.  26303 at 6.

OUT OF SERVICE REPORTS

As indicated in the table below, U S WEST met the 90% standard for the three consecutive months of February, March and April 1996.  Thus, under the terms of the Order, the Company is no longer required to remit the $5,000 civil penalty for southern Idaho.  We find it is appropriate to close the southern Idaho proceeding, Case No. USW-S-95-8.  We congratulate the Company on its improvements to service restoration in southern Idaho.

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|  | 1995 |  |  |  |  | 1996 |  |  |  |  |  |
|  | Dec | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct |
| northern | 83 | 72\* | 82 | 88 | 82 | 91 | 86 | 84 |  |  |  |
| southern | 76 | 86 | 92 | 92 | 92 | 92 | 89 | 91 |  |  |  |

Source: Monthly BSM report.

    \*Flood Conditions

The table also indicates that in northern Idaho, U S WEST has failed to achieve the 90% standard for three consecutive months. For June and July, the Company also failed to achieve an increase of at least 5% in its monthly performance level.  The Company’s failure to meet the 90% standard in northern Idaho is troubling.

Except for the month of May 1996, U S WEST has not met the 90% standard in northern Idaho since August 1994.  See Order No. 26303 at 4.  We regard the Company’s inability to promptly and consistently restore telephone service in northern Idaho to be a serious issue.  At the time we issued our prior Order, we fully expected U S WEST to come into compliance with Rule 503.  Given the inability of the Company to meet the 90% standard for nearly two years, we shall direct the Company to file a response within 14 days from the date of this Order to show cause why the Commission should not seek to increase the civil penalty for northern Idaho.   More specifically, the Company should show cause why the civil penalty should not be increased to $5,000 per month and why the 5% performance improvement incentive should not be removed.  Although we are pleased that the restoration of local service has improved in southern Idaho, we cannot disregard the Company’s inability to correct this matter in northern Idaho.

O R D E R

IT IS HEREBY ORDERED that U S WEST Communications show cause why the monthly civil penalty for the Company’s failure to meet the 90% standard for restoration of service in northern Idaho should not be increased to $5,000.  The Company is also directed to respond to why the 5% incentive should not be deleted beginning with the month of August 1996.  If U S WEST does not provide a satisfactory response or if it does not agree to the increase in the civil penalty, the Commission may request the Attorney General to institute an action to recover this civil penalty.  The Company’s response shall be filed within 14 days of the service date of this Order.

IT IS FURTHER ORDERED that U S WEST outline the actions it intends to initiate in northern Idaho to ensure that the Company meets the 90% standard set out in Rule 503.  This report may be included in the show cause response to be filed within 14 days from the service date of this Order.

IT IS FURTHER ORDERED that Case No. USW-S-95-8 be closed.

THIS IS A FINAL ORDER IN CASE NO. USW-S-95-8.  Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. USW-S-95-8 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 this Case No. USW-S-95-8.  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 September 1996.

                                                                                                                                      RALPH NELSON, PRESIDENT

                                                                                           MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:USW-N-95-2.dh

**FOOTNOTES**

1:

In northern Idaho, the penalty was excused if the Company achieved at least a 5% improvement in the restoration of service from the previous month.

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

September 13, 1996