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

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF U S WEST COMMUNICATIONS, INC.’S FILING  OF TARIFF ADVICE NO. 96-01-N | )  )  )  ) | CASE NO. USW-N-96-1  ORDER NO.  26335 |

On February 5, 1996, U S WEST Communications, Inc.  filed Tariff Advice No. 96-01-N restricting the availability of its Centron and Centraflex System 2 services in northern Idaho to customers of record as of March 11, 1996.  Centron and Centrex services are central office based services that provide internal switching capabilities to business customers.  U S WEST proposes to grandfather such services to existing customers, and offer new customers a new product within six to nine months.

On February 14, 1996, the Commission received a formal complaint from MCI Telecommunications (MCI) concerning U S WEST’s filing.  In the complaint, MCI states that “[t]he attempted withdrawal prevents MCI from competing in the local exchange market since MCI has no present ability to practically or economically duplicate Centrex Plus service from any other source.”  MCI asserted it “is contemplating applying for authority to provide local exchange service in Idaho which could include the resale of U S WEST Centrex Plus Service.”   MCI contends the attempted withdrawal of Centrex Plus services with respect to new customers is discriminatory and contrary to state and federal law in, among others, sections 251 (b)(1), (c)(2), and (c)(4) of the Telecommunications Act of 1996.

On February 15,1996, the Commission also received a formal complaint from AT&T concerning U S WEST’s filing.  AT&T echoed the concerns raised by MCI and cited the same statutes referenced by MCI.  The next day, the Commission received a complaint from Shared Communications Inc., expressing concerns about the withdrawal of these services and also citing the provisions of Section 251 of the Telecommunications Act of 1996.

All of the complaining companies state that they are interested in entering the market for local exchange service as resellers and that resale of central office based services is a primary product of local exchange service.  Absent this service or an effective substitute, the complainants contend their ability to compete in this market will be severely curtailed.

The Idaho Public Utilities Commission has jurisdiction over U S WEST’s northern Idaho services and this Tariff Advice by virtue of Title 61, Idaho Code and the Rules of Procedure of the Idaho Public Utilities Commission, IDAPA 31.01.01.000 et seq.  Pursuant to Idaho Code § 61-307, the Commission has authority to review changes in the provision of telecommunication services.  In addition, Idaho Code § 61-623 authorizes the Commission to suspend this Tariff Advice for a period of 120 days to consider this matter.  Accordingly, the Commission suspends the effective date of this proposed tariff.  We find that U S WEST should answer the complaints filed by MCI, AT&T and Shared Communications

O R D E R

IT IS HEREBY ORDERED that the Commission Secretary issue a summons to U S WEST and direct it to file an answer to the complaints within 21 days of the date of this Order.

IT IS FURTHER ORDERED that U S WEST Tariff Advice filed in this case is suspended for a period of 120 days or until June 19, 1996, pending resolution of these complaints.  The suspension will allow the Commission sufficient time to consider and decide this matter.

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

RALPH NELSON, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

bls/O:uswn961.ws

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

March 1, 1996