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

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| IN THE MATTER OF THE APPLICATION OF U S WEST COMMUNICATIONS, INC.  FOR AUTHORITY TO INCREASE ITS RATES AND CHARGES FOR REGULATED TITLE 61 SERVICES. | )  )  )  )  )  )  ) | CASE NO. USW-S-96-5  AMENDED NOTICE OF HEARING  ORDER NO.  26739 |

In Order No. 26682 the Commission directed that U S WEST Communications file its rebuttal testimony in this proceeding no later than noon on December 16, 1996.  On December 3, 1996, U S WEST filed a Motion seeking an extension of time to file its rebuttal testimony.  In its Motion, the Company sought an extension of time of not less than 45 days or until January 30, 1997.  U S WEST requested the additional time so that it may adequately prepare and present rebuttal testimony to the Commission Staff’s prefiled direct testimony.

PROCEDURAL HISTORY

1.  U S WEST’S Motion.  U S WEST asserted in its Motion that the additional time is needed to prepare its rebuttal given the “unanticipated” prefiled testimony presented by the Staff.  The Company acknowledged that granting its request will necessitate rescheduling the hearing and require revision of the procedural schedule.  In addition, the Company stated that it “is willing to waive any procedural rights it may have in the speedy conclusion of this matter in order to accommodate this urgent request.”  U S WEST Motion at 4-5.

2.  Staff Response.  On December 10, 1996, the Staff filed a response to U S WEST’s Motion.  The Staff did not oppose granting U S WEST an extension of time.  Given U S WEST’s request, the Staff proposed that the Commission adopt the following schedule in this case:

Settlement ConferenceJanuary 15-16, 1997

Company Rebuttal FilingJanuary 28, 1997

Deadline for Staff/Intervenor

to serve discovery to U S WEST

(in hand to U S WEST by 4:00 p.m.)January 31, 1997Answers due by February 11

Staff/Intervenor FilingFebruary 21, 1997

Deadline for U S WEST to serve

discovery to Staff/Intervenor

(in hand to receiving party by 4:00 p.m.)February 26, 1997Answers due by March 4

Boise HearingMarch 10-20, 1997

First BriefsApril 18, 1997

Second BriefsMay 9, 1997

Issue OrderJune 16, 1997

Staff Response at 2.  The Staff noted in its Response that the Company was in agreement with the schedule set out above.  Given the impending deadline for U S WEST’s rebuttal, the Staff suggested that the Commission take this matter up at its December 13th public decision meeting.

3.  AT&T’s Response.  On December 12, 1996, AT&T filed an Answer to U S WEST’s Motion for an Extension of Time.  AT&T asserted that U S WEST’s request for a 45-day extension was excessive and significantly narrowed the ability of intervenors to engage in meaningful discovery following U S WEST’s rebuttal filing.  AT&T suggested that “it is more equitable to all parties to require U S WEST to file its rebuttal on January 14th instead of January 28th, giving it a full 31-day extension of the deadline originally proposed for in this case, or a total of 42-days in which to rebut Staff and Intervenor testimony.”  AT&T Answer at 2-3.  AT&T also suggested that the settlement conference, if necessary, be moved to the week of January 6, 1997.  The Company also proposed that the deadline for reply briefs and issuance of the final Order in this matter be shortened one week to May 2  and June 9,  respectively.

4.  U S WEST’s Reply.  On December 13, 1996, U S WEST filed a Reply to AT&T’s Answer.  U S WEST maintained that shortening its rebuttal filing deadline to January 14 as suggested by AT&T is prejudicial and is not “necessary to accommodate the legitimate needs of AT&T.”  U S WEST Reply at 1.  U S WEST suggested that the only portion of the Staff’s schedule which affects AT&T is the deadline for submitting discovery requests following U S WEST’s rebuttal testimony.  Although the Company acknowledged that the three-day period to submit discovery is short, U S WEST asserted that the procedural schedule should not be driven by the submission of surrebuttal testimony by the Staff and Intervenors.  The Company stated that surrebuttal “is not an entitlement and should not drive the procedural schedule of the case.  Yet this is exactly what AT&T suggests. . . .”  Id. at 2.

U S WEST also argued that adoption of the AT&T schedule for the settlement conference “will only impose an additional burden on the Company and further impede its ability to present its case.”  Id. at 3.  Addressing AT&T’s concern about the shortened discovery window, U S WEST indicated that it was willing to expand the discovery window to accommodate AT&T.

DISCUSSION

This matter was presented to the Commission at its regularly scheduled decision meeting  on December 13, 1996.  At that time, the Commission directed the attending parties (U S WEST, AT&T and Staff) to attempt to resolve their differences and advise the Commission of the outcome.  It is our understanding that the parties have generally agreed to the Staff’s proposed schedule as modified below.

Settlement ConferenceJanuary 15-16, 1997 in-hand to Boise parties

Company Rebuttal FilingJanuary 28, 1997 by (4:00 p.m.)

Deadline for Staff/Intervenor

to serve discovery to U S WEST

(in hand to U S WEST by 4:00 p.m.)Jan 31-Feb 4, 1997Answers due by Feb 11-14

Staff/Intervenor FilingFebruary 21, 1997

Deadline for U S WEST to serve

discovery to Staff/Intervenor

(in hand to receiving party by 4:00 p.m.)February 26, 1997Answers due by March 4

Boise Technical HearingMarch 10-20, 1997

First BriefsApril 18, 1997

Second BriefsMay 5, 1997

Issue OrderJune 16, 1997

Given our review of the pleadings and the agreement of the parties, we find that the procedural schedule for this case as set out above is reasonable.  Expanding the Staff/Intervenor discovery window will accommodate AT&T’s concerns.  U S WEST must answer discovery requests within eleven days of receiving the request (e.g., received Jan. 31—answers delivered Feb. 11; received Feb. 3—answers delivered Feb. 14).  Answers must be delivered to the requesting party no later than 4:00 p.m. on the due date.  We also understand that U S WEST will file its “anticipated” rebuttal testimony (e.g., Directory and Cost of Capital/Capital structure) before January 28.  We anticipate the Company will honor its commitment.

We further find that U S WEST has expressly waived its rights pursuant to Idaho Code 61-622.(footnote: 1)  Accordingly, the original schedule for this matter contained in Order Nos. 26626 and 26682 is vacated.

AMENDED NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that the hearing orginally scheduled in this matter to convene on January 13, 1997, at the Commission’s hearing room has been rescheduled.  The technical hearing is rescheduled for MONDAY, MARCH 10, 1997, AT 9:30 A.M. AND CONTINUE AS NECESSARY AT THE COMMISSION’S HEARING ROOM LOCATED AT 472 WEST WASHINGTON STREET, BOISE, IDAHO 83702, (208) 334-0300. The purpose of the hearing will be to take the technical evidence of the parties in this case.  The Commission also intends to subsequently issue a Notice of Public Hearings scheduling public hearings in U S WEST’s southern Idaho service area to obtain customer comments in this matter.

YOU ARE FURTHER NOTIFIED that all hearings and prehearing conferences in this matter will be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act.  Persons needing the help of a sign language interpreter or other assistance of the kind that the Commission is obligated to provide under the Americans with Disabilities Act in order to participate in or to understand the testimony and argument at a public hearing may ask the Commission to provide a sign language interpreter or other assistance at the hearing.  The request for assistance must be received at least five (5) working days before the hearing by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION

PO BOX 83720

BOISE, IDAHO  83720-0074

(208) 334-0338  (TELEPHONE)

(208) 334-3151  (TEXT TELEPHONE)

(208) 334-3762  (FAX)

O R D E R

IT IS HEREBY ORDERED that the Motion submitted by U S WEST for an Extension of Time is granted as modified.  The hearing originally scheduled to begin on January 13, 1997, is rescheduled to begin on March 10, 1997.

IT IS FURTHER ORDERED that the parties adhere to the hearing schedule set out on page 3 of this Order.  U S WEST should also file its “anticipated” rebuttal testimony earlier than January 28, 1997.

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

                                                                                                                                      RALPH NELSON, PRESIDENT

                                                                                           MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:USW-S-96-5.dh3

**FOOTNOTES**

1:

This section provides that the Commission may suspend a request for a rate increase for a period not to exceed seven months from the proposed effective date of the increase unless the applicant has consented in writing to extend the period of suspension.

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

December 31, 1996