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

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| IN THE MATTER OF AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.  PETITION FOR ARBITRA­TION PURSUANT TO SECTION 252(b) OF THE TELECOMMUNICATIONS ACT OF 1996 OF THE RATES, TERMS, AND CONDITIONS OF INTERCONNECTION WITH U S WEST. | )  )  )  )  )  )  )  ) | CASE NO. USW-T-96-15  ATT-T-96-2  ORDER NO.  26748  PROCEDURAL ORDER |

On November 22, 1996, AT&T Communications of the Mountain States, Inc.  (AT&T) filed with the Commission a Petition for Arbitration pursuant to Section 252(b) of the federal Telecommunications Act of 1996.  AT&T also filed a Motion for Pre-arbitration Procedural Order to address the appointment of an arbitrator, discovery and the arbitrator’s request for information, scheduling, and other issues to process the arbitration.  U S WEST filed its Answer to AT&T’s Motion on December 6, 1996.

In order to provide a schedule and address other issues for this arbitration, the Commission finds that it is appropriate to issue this Procedural Order.

Arbitrator: The Commission appoints John Antonuk, Liberty Consulting Group, as arbitrator for this proceeding.  The parties are responsible for paying the costs of the arbitration and should make the appropriate arrangements with the arbitrator.

Discovery:   Discovery permitted by the Rules of the Commission’s Rules of Procedure will be permitted in this proceeding.  In addition, the parties must cooperate in good faith by promptly and informally exchanging all documents and other information relevant to the disputed issues, subject to claims of privilege or confidentiality.  Failure to exchange information may be deemed a failure to negotiate in good faith under the Act.  Although under the Commission’s discovery rule, requests and responses are not filed with the Commission, the arbitrator may require that copies of discovery requests and responses be provided to him.

Request for Information: Pursuant to 47 U.S.C. § 252(b)(4)(B), the arbitrator may require the parties to provide any information necessary to reach a decision on unresolved issues.  If any party refuses or fails unreasonably to respond in a timely basis to any reasonable request by the arbitrator, then the arbitrator and the Commission may proceed on the basis of the best information available from whatever source derived.  The parties will respond to such requests for information from the arbitrator within seven days, unless another time is set by the arbitrator.

Pre-Hearing Conferences: The arbitrator may hold a pre-hearing conference to identify and discuss the issues to be resolved; review scheduling issues and the status of discovery and address discovery disputes; discuss motions anticipated by the parties; and other such issues.  At the time of the conference, either party may request a decision from the arbitrator requiring a response to any outstanding discovery request.  Such a request for a decision for discovery should include an explanation of why the information is necessary to reach a decision on an unresolved issue.

The arbitrator must convene a pre-hearing conference to review the status of the parties’ preparation for the arbitration.  At this conference, the parties will exchange copies of the exhibits they intend to use at the hearing and a list of the witnesses they intend to call at the hearing.  With the exception of exhibits offered for purposes of rebuttal or impeachment, no party will be permitted to offer at the arbitration an exhibit not disclosed at this pre-hearing conference.  All objections to prefiled direct testimony shall be made at this pre-hearing conference.  The arbitrator shall determine the date and time for pre-hearing conference(s), which may be conducted by conference calls.

Resolution of Undisputed Issues: Either party may make a motion for summary disposition by the arbitrator of any issue on the basis that the issue is undisputed and need not be arbitrated.  The motion should demonstrate why there is no dispute on the issue.  The arbitrator may request argument on the motion.

Pre-Hearing Statement: Each party will file a pre-hearing statement designating all issues the party believes remain in dispute, the party’s position on each such issue, and arguments as to why the party’s position should be accepted by the arbitrator.  Pre-hearing statements shall be filed on the date designated by the arbitrator.

Hearing Procedures: Hearing procedures shall be determined by the arbitrator and should be provided to the parties no later than the last pre-hearing conference.  The arbitrator should limit the time for hearing, for example, to five days.

Proposed Order: Fourteen days after close of the hearing, each party will provide to the arbitrator and the other party its proposed arbitration order, setting forth a proposed resolution of each issue presented to the arbitrator.

Arbitrator’s Report: The arbitrator is authorized to issue an Arbitration Decision which shall constitute the resolution by the Commission of the issues submitted for arbitration, subject to final Commission review during the approval process.  The Arbitration Decision shall comply with the requirements of 47 U.S.C. § 252(c) and must be provided to the Commission on or before March 20, 1997.

Schedule: The following schedule is adopted for this case:

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| Direct testimony of U S WEST filed  Rebuttal testimony of AT&T filed  Rebuttal testimony of U S WEST  Hearing commences  Arbitrator’s decision | January 8, 1997  January 24, 1997  February 10, 1997  February 18, 1997  No later than March 20, 1997 |
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Except for the date of the Arbitration Decision, the arbitrator for good cause may allow changes to the schedule.

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/N:USW-T-96-15.ws2

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

December 30, 1996