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

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF GST TELECOM, INC.’S 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 COMMUNICATIONS, INC.   | ))))))))))) |  CASE NO. USW-T-97-9GST-T-97-1NOTICE OF JOINT PETITION FOR APPROVAL OF INTER­CON­NECTION AGREEMENTNOTICE OF MODIFIED PROCEDUREORDER NO.  26934 |

YOU ARE HEREBY NOTIFIED that on May 12, 1997, U S WEST Communications, Inc. (U S WEST) and GST Telecommunications, Inc. (GST) filed a Joint Application for approval of their interconnection agreement arrived at through voluntary negotiations.  The agreement consists of a Local Wireline Network Interconnection and Service Resale Agreement, No. SEA-970416-1601\C, and a Pole and Anchor Attachment and\or Innerduct Occupancy Agreement, No. SEA-070416-1602\G, and are submitted for approval pursuant to 47 U.S.C. § 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act).  The Agreement was reached through voluntary negotiations following the filing of a Petition for Arbitration by GST on March 17, 1997. GST’s Petition for Arbitration, filed pursuant to Section 252 (b) of the Act, alleged that GST requested interconnection, resale of services, or access to network elements with U S WEST, that negotiations for an agreement had occurred, but that issues between the parties remain unresolved. The agreement now submitted by the parties resolves these issues for GST to interconnect with and access U S WEST’s system.

 YOU ARE FURTHER NOTIFIED that Section 252(e)(2) of the Act directs that a state Commission may reject an agreement reached through voluntary negotiations only if the Commission finds that

(i)the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii)the implementation of such agreement or portion is not consistent with the public interest, convenience and necessity.

The parties assert that the Agreement does not discriminate against other telecommunication carriers and that it is consistent with the public interest, convenience and necessity.

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the filings of record in Case Nos. USW-T-97-9 and GST-T-97-1.  The Commission has determined that the public interest may not require a hearing to consider the issues presented and that the issues raised by the Application may be processed under Modified Procedure, i.e., by written submission rather than by hearing.  See Commission Rules of Procedure, IDAPA 31.01.01.201-.204.

YOU ARE FURTHER NOTIFIED that the Commission may not hold a hearing in this proceeding unless it receives written protests or comments opposing the use of Modified Procedure and stating why Modified Procedure should not be used.  See IDAPA 31.01.01.203.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within twenty-one (21) days from the date of this Notice.  The comment must contain a statement of reasons supporting the comment.  Persons desiring a hearing must specifically request a hearing in their written comments.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the deadline, the Commission will consider the matter on its merits and enter its Order without a formal hearing.  If comments or protests are filed within the deadline, the Commission will consider them and in its discretion may set the matter for hearing or may decide the matter and issue its Order on the basis of the written positions before it.  See IDAPA 31.01.01.204.

YOU ARE FURTHER NOTIFIED that written comments concerning Case Nos. USW-T-97-9 and GST-T-97-1 should be mailed to the Commission and the Companies at the addresses reflected below:

COMMISSION SECRETARYDOUGLAS G. BONNER

IDAHO PUBLIC UTILITIES COMMISSIONSWIDLER & BERLIN, CHTD.

PO BOX 837203000 K STREET, N.W. SUITE 400

BOISE, IDAHO  83720-0074WASHINGTON, D.C. 20007-5116

Counsel for GST Telecom

Street Address for Express Mail:

472 W WASHINGTON STKATHRYN E. FORD

BOISE, IDAHO  83702-5983SENIOR ATTORNEY

U S WESTCOMMUNICATIONS, INC.

1801 CALIFORNIA STREET, SUITE 5100

DENVER, CO 80202

All comments should contain the case caption and case number shown on the first page of this document.

YOU ARE FURTHER NOTIFIED that the Application and Agreement together with supporting workpapers, and exhibits have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 and Title 62 of the Idaho Code and that the Commission may enter any final Order consistent with its authority under Title 61 or Title 62.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq.

O R D E R

IT IS HEREBY ORDERED, upon review of the filings in this case and the determination of the Commission, that the Joint Application of U S WEST and GST Telecom for approval of their interconnection agreement be processed by Modified Procedure, Commission Rules of Procedure 201-204; IDAPA 31.01.01.201-04.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of May 1997.

                                                                                                                                       DENNIS S. HANSEN, PRESIDENT

                                                                                            RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

cm\O:uswt979.ws

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

May 29, 1997