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

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF THE APPLICA­TION OF U S WEST COMMUNICA­TIONS, INC.  FOR APPROVAL OF AN INTERCONNECTION AGREEMENT WITH COMMNET CELLULAR INC.  PURSUANT TO 47 U.S.C. § 252(e). | ))))))))) | CASE NO. USW-T-97-11NOTICE OF APPLICATIONNOTICE OF MODIFIED          PROCEDURE |

YOU ARE HEREBY NOTIFIED that on April 23, 1997, U S WEST Communications, Inc. (U S WEST) filed an Application for approval of an Interconnection Agreement.  The Agreement provides for U S WEST and CommNet Cellular, Inc. (CommNet)  to interconnect their facilities and interchange traffic.  U S WEST’s Application states that the Agreement was reached through voluntary negotiations and is being 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 Application also states that its interconnection agreement with CommNet is identical to the interconnection agreement entered into between Western Wireless Services Corporation and U S WEST.  The Commission arbitrated and then approved the agreement between Western Wireless and U S WEST in Case Nos. WST-T-96-1; USW-T-96-11.  U S WEST states that, because the Western Wireless agreement was an arbitrated agreement, it considers its agreement with CommNet to be an arbitrated agreement.

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

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

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

U S WEST asserts 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 No. USW-T-97-11.  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 No. USW-T-97-11 should be mailed to the Commission and the Companies at the addresses reflected below:

COMMISSION SECRETARYKATHRYN E. FORD

IDAHO PUBLIC UTILITIES COMMISSIONSENIOR ATTORNEY

PO BOX 83720U S WESTCOMMUNICATIONS, INC.

BOISE, IDAHO  83720-00741801 CALIFORNIA STREET, SUITE 5100

DENVER, CO 80202

Street Address for Express Mail:

472 W WASHINGTON STWILLIAM J. BATT

BOISE, IDAHO  83702-5983MARSHALL, BATT & FISHER LCP

PO BOX 1308

BOISE, ID 83701

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.

DATED at Boise, Idaho this day of May 1997.

Myrna J. Walters

Commission Secretary

vld/O:USW-T-97-11.ws

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

May 9, 1997