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

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| IN THE MATTER OF THE PETITION OF AT&T COMMUNICATIONS OF THE MOUNTAIN STATES FOR AN INVESTIGATION INTO U S WEST INC.’S COMPLIANCE WITH SECTION 271 OF THE TELECOMMUNICATIONS ACT OF 1996. | )  )  )  )  )  )  ) | CASE NO. USW-T-97-14  ORDER NO. 27615 |

AT&T Communications of the Mountain States, Inc. (AT&T) initiated this docket in June, 1997 by a petition requesting that the Commission determine a procedure for U S WEST Communications, Inc. (U S WEST) to file a Section 271 proceeding prior to its filing of an application with the Federal Communications Commission.  It is pursuant to Section 271 (47 USC 271) that a Bell operating company can request authorization from the FCC to enter the interLATA, long distance telecommunications market within its operating territory.  Following the filing of a response by U S WEST and comments by MCI Telecommunications (MCI), the Commission last year tabled AT&T’s request.  On April 3, 1998, AT&T revived its request by filing a Petition for Review regarding the tabling of its previous petition.  Noting that the Commission “does not have pre-filing requirements established for U S WEST’s 271 filing,” AT&T asserted that “the Commission should establish both the 90 day pre-filing period and the procedures to be followed for evaluating the Application at the state level.”  AT&T requested that the Commission “establish substantive filing requirements to insure that U S WEST provides to the Commission and interested parties the information necessary for reviewing the Application.”

Following the most recent petition of AT&T, the Commission Staff initiated discussions with U S WEST regarding the procedures for a Section 271 filing. The Staff and U S WEST subsequently entered into a stipulation establishing a 90 day procedural schedule for processing a Section 271 filing.  After other interested parties objected to the stipulation, the Commission issued a Notice of Petition, Notice of Right of Intervention, and Notice of Workshop, inviting interested parties to intervene and participate in a workshop to resolve objections to the Stipulation.  As the result of the workshop convened on May 21, 1998, a new Stipulation was developed and has been signed by all of the workshop participants. The Commission by this Order approves the Stipulation For Processing US WEST’s Section 271 Filing executed by the parties.

The Stipulation provides a schedule for processing U S WEST’s anticipated Section 271 case.  U S WEST will provide a five day notice of its intent to file the Section 271 case, and all intervenors in this case will automatically become parties in the Section 271 case.  Time periods for filing discovery and evidence are provided, and the hearing is to commence between 69 and 74 days after U S WEST’s application filing.  The Stipulation asks the Commission to issue its findings on or before the 110th day after the application filing date.  A copy of the Stipulation is attached to this Order. To reduce copying and mailing costs, the copy attached to this Order does not include the seven pages containing the parties’ signatures.

We find the stipulation filed by the parties to be a reasonable and appropriate resolution of AT&T’s request for the Commission to establish a procedure for a Section 271 filing with the Commission. The stipulation provides a 110 day schedule for completing the Commission’s inquiry, which is an improvement over the 90 day schedule set forth in the previous stipulation. Requiring a five day pre-filing notice, and recognizing intervenors in this case as parties in the Section 271 case, will prevent some delays in the subsequent case.  Even so, completing a complicated case in 110 days will require diligence and professional cooperation by all parties. The Commission thus approves the stipulation and encourages a good faith effort by the parties to complete the Section 271 case according to the schedule provided in the stipulation.

O R D E R

IT IS HEREBY ORDERED that the Stipulation For Processing U S WEST’s Section 271 Filing executed by the parties is approved.

IT IS FURTHER ORDERED that all intervenors in this case will be recognized as parties in the subsequent Section 271 case. The intervenors in this case are Electric Lightwave, Inc., MCI Telecommunications Corporation, Citizens Telecommunications Company of Idaho, Sprint Communications Company L.P., Touch America, Inc., GST Telecom Idaho, Inc., Telecommunications Resellers Association, and AT&T Communications of the Mountain States, Inc.

THIS IS A FINAL ORDER.  Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. USW-T-97-14 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. USW-T-97-14.  Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration.  See Idaho Code § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of June 1998.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

July 6, 1998