DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

STEPHANIE MILLER

DAVE SCHUNKE

JOE CUSICK

BEV BARKER

DAVID SCOTT

WORKING FILE

FROM:CHERI C. COPSEY

DATE:NOVEMBER 21, 1997

RE:US WEST COMMUNICATIONS, INC.’S APPLICATION TO BE DESIGNATED AS AN “ELIGIBLE TELECOMMUNICATIONS CARRIER,” CASE NO. USW-T-97-19

On November 14, 1997, US WEST Communications, Inc. filed an Application (attached) requesting that the Commission designate it as an eligible telecommunications carrier in each of its serving wire centers in its certified area as reflected by Certificate of Public Convenience and Necessity No. 313 (NOID) and Certificate of Public Convenience and Necessity No. 255 (SOID) on an interim basis.  Before a telecommunications corporation may receive federal universal service support, it must be designated as an eligible telecommunications carrier by the state public utility commission.  Federal universal support includes high cost support, reimbursement for discounts provided to low-income customers (Lifeline and Link Up programs), and support for health care providers.

US WEST serves eight wire centers and approximately 30,662 access lines in its northern Idaho operations pursuant to Certificate of Public Convenience and Necessity No. 313; and in its southern Idaho operations, it serves fifty-nine wire centers and approximately 438,578 lines pursuant to Certificate of Public Convenience and Necessity No. 255.  Both certificates are on file with the Commission.

Section 214(e)(2) of the Telecommunications Act provides that a “State Commission shall upon its own motion or upon request designate a common carrier that meets the requirements [established by the FCC] as an eligible telecommunications carrier for a service area designated by the State Commission.”  47 U.S.C. § 214(e)(2).  US WEST certifies that it meets the requirements for designation as an eligible telecommunications carrier for its Idaho service areas.

To be designated as an eligible telecommunications carrier, a LEC must offer the following services as specified in the FCC’s Universal Service Order, CC Docket No. 96-45 (FCC 97-157), released May 8, 1997:

single-party service

voice grade access to the public switched network

touch-tone service

access to emergency services, including 911 and E911

access to operator services

access to interexchange service

access to directory assistance

toll limitation services for qualifying low-income consumers

Id. at ¶¶ 61-82.  US WEST asserts that it offers the above-listed services using its own facilities and generally advertises the availability of these services pursuant to 47 U.S.C. § 214(e)(1)(A) and (1)(B).  US WEST further asserts that it offers Lifeline services consistent with Idaho statutes and has made Link Up services(footnote: 1) available for qualifying low-income consumers.

WAIVER REQUEST

US WEST also asks that the Commission grant it a waiver if the FCC requires that both toll blocking and toll control as a part of toll limitation services in accordance with the FCC’s Universal Order (FCC 97-157) ¶388.(footnote: 2)  US WEST asserts it does not have the technical ability to provide toll control.  US WEST Application at 3, fn. 3. Consequently, US WEST requests a waiver of the toll control requirement.

Staff Analysis

Other than the toll control issue, the Staff believes that US WEST meets the requirements of an eligible telecommunications carrier.  Due to US WEST’s late petition, the need for Commission action before January 1, 1998, and the fact that the next scheduled decision meeting is December 15, 1997, Staff finds there are exceptional circumstances justifying processing consideration of this Application under Modified Procedure and giving interested persons 14 days to comment.  Staff intends to comment on the toll control issue in the comment cycle.

Commission Decision

Does the Commission agree that this matter can be processed under Modified Procedure?

Cheri C. Copsey

**FOOTNOTES**

1:

Link Up assists low-income subscribers to acquire new telephone service by paying half of the first $60.00 charge for the installation of service.  To be eligible for this program, an eligible subscriber must meet the state-established means test.  Link Up currently is funded through an adjustment that allocates the incumbent LEC’s Link-Up cost to the interstate jurisdiction, effectively passing them onto interexchange carriers.  USF Order at ¶ 344.

2:

“Toll blocking” is currently available in most Idaho exchanges and simply prohibits the customer from making long-distance calls. “Toll control” permits a customer to limit the toll charges he or she can incur during a billing period to a preset amount.  This latter service would require a substantial integration between the CO switch and the billing records of the customer.