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

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF THE JOINT APPLICA­TION OF DAKOTA SERVICES, LTD. AND U S WEST COMMUNICATIONS FOR APPROVAL OF AN AGREEMENT FOR INTERCONNECTION PURSUANT TO 47 U.S.C. § 252(e). | )  )  )  )  )  )  )  )  )  )  ) | CASE NO.  USW-T-98-13  NOTICE OF JOINT APPLICATION FOR APPROVAL OF INTER­CON­NECTION AGREEMENT  NOTICE OF MODIFIED PROCEDURE  ORDER NO.  27765 |

YOU ARE HEREBY NOTIFIED that on September 21, 1998, Dakota Services, Ltd. (Dakota Services) and U S WEST Communications (U S WEST) filed an Application for approval of an interconnection agreement arrived at through voluntary negotiations.  The Agreement is an agreement for resale of U S WEST’s services by Dakota Services and is 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 will enable Dakota Services to enter the resale market in U S WEST’s service area.

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 No. USW-T-98-13.  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-98-13 should be mailed to the Commission and the Companies at the addresses reflected below:

COMMISSION SECRETARYTED LASSER, CEO

IDAHO PUBLIC UTILITIES COMMISSIONDAKOTA SERVICES, LTD.

PO BOX 8372020800 SWENSON DRIVE, SUITE 440

BOISE, IDAHO  83720-0074WAUKESHA, WI 53186

Street Address for Express Mail:PETER BUTLER, ESQ.

U S WEST LAW DEPARTMENT

472 W WASHINGTON ST1600 7TH AVENUE, SUITE 3206

BOISE, IDAHO  83702-5983SEATTLE, WA 98191

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 Dakota Services and U S WEST for approval of their interconnection agreement be processed by Modified Procedure, Commission Rules of Procedure 201-204; IDAPA 31.01.01.201-204.

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

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

bls/O:uswt9813.ws

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

October 13, 1998