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

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| IN THE MATTER OF THE JOINT APPLICATION OFU S WEST COMMUNICATIONS, INC. AND TOPP COMM, INC. FOR APPROVAL OF A RESALE AGREEMENT PURSUANT TO 47 U.S.C.  § 252(e). | )  )  )  )  )  )  )  ) | CASE NO.  USW-T-99-1  NOTICE OF APPLICATION  NOTICE OF MODIFIED PROCEDURE  ORDER NO. 27940 |

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED thaton January 5, 1999, U S WEST Communications, Inc. and Topp Comm, Inc. filed a Joint Application for approval of a negotiated resale agreement between U S WEST and Topp Comm for the purposes of Topp Comm reselling U S WEST services in Idaho.  The Joint Application states that the agreement was reached through voluntary negotiations without resort to mediation or arbitration and is submitted for approval pursuant to Section 252(e) of the Telecommunications Act of 1996.

YOU ARE FURTHER NOTIFIED that the Joint Application states that the agreement will allow Topp Comm resell U S WEST basic exchange telecommunications services, features and intraLATA toll originating from U S WEST exchanges to end user customers.  The resale agreement provides for compensation and other terms and conditions.

YOU ARE FURTHER NOTIFIED that Section 252(e)(2) of the Act authorizes a state Commission to 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.

U S WEST and Topp Comm jointly 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 reviewed the filings of record in Case No. USW-T-99-1 and 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 Joint 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-99-1 should be mailed to the Commission and U S WEST and Topp Comm at the addresses reflected below:

COMMISSION SECRETARYPETER J. BUTLER

IDAHO PUBLIC UTILITIES COMMISSION1600 7TH AVE., SUITE 3206

PO BOX 83720SEATTLE, WA.  98191

BOISE, IDAHO  83720-0074

Counsel for U S WEST Communications, Inc.

Street Address for Express Mail:

472 W WASHINGTON STJIM FROH

BOISE, IDAHO  83702-5983TOPP COMM, INC.

8390 N.W. 25TH STREET

MIAMI, FLORIDA  331122

Counsel for Topp Comm, Inc.

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

YOU ARE FURTHER NOTIFIED that the Joint 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 Communication, Inc. and Topp Comm, Inc. for approval of a resale agreement with U S WEST and Topp Comm 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 March 1999.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           MARSHA H. SMITH, COMMISSIONER

PAUL KJELLANDER, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

O:USWT991.cc

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

March 4, 1999