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

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF THE JOINT APPLICATION OFU S WEST COMMUNICATIONS, INC. AND ROBERT RYDER DBA RADIO PAGING SERVICE FOR APPROVAL OF A TYPE 1 PAGING CONNECTION AGREEMENT PURSUANT TO 47 U.S.C. §252(e). | )  )  )  )  )  )  )  ) | CASE NO.  USW-T-99-5  NOTICE OF APPLICATION  NOTICE OF MODIFIED PROCEDURE  ORDER NO.  27969 |

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED thaton March 4, 1999, U S WEST Communications, Inc. and Robert Ryder dba Radio Paging Service filed a Joint Application requesting approval of an agreement for a Type 1 Paging Connection Agreement dated February 19, 1999.  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 Radio Paging Service to connect to U S WEST facilities to exchange land-to-pager traffic in compliance with the FCC Common Carrier Bureau’s December 30, 1997, letter interpreting certain local exchange carrier paging interconnection rules.  The FCC Common Carrier Bureau letter sets forth the terms and conditions under which U S WEST must provide Type 1 paging connection services to itself without charge to Radio Paging Service.  See Pleading Cycle Established for Comments on Requests for Clarification of the Commission’s Rules Regarding Interconnection Between LECs and Paging Carriers, DA 97-1071 (rel. May 22, 1997).

YOU ARE FURTHER NOTIFIED that U S WEST disagrees with the FCC Common Carrier Bureau’s interpretation of the interconnection rules and has requested the FCC review the matter.  See In the Matter of Requestsfor Clarification of the Commission’s Rules Regarding Interconnection Between LECs and Paging Carriers, CPD 97-24, January 29, 1998.

YOU ARE FURTHER NOTIFIED that the Joint Agreement provides, among other things, that the agreement will be revised to conform with the FCC decision, ruling or rules promulgated by the FCC or any court, agency or legislature of competent authority to the extent that such decision, ruling or rules depart from the reasoning or conclusions of the FCC Common Carrier Bureau letter dated December 30, 1997.

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 Radio Paging Service 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-99-5 and determined that the public interest may not require a hearing to consider the issues presented and that the issues raised by the Joint 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-99-5 should be mailed to the Commission and U S WEST and Radio Paging Service 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:

ROBERT F. RYDER

dba Radio Paging Service

472 W WASHINGTON ST506 S 5TH STREET

BOISE, IDAHO  83702-5983BOISE, ID. 83702

Owner of Radio Paging Service

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 Radio Paging Service for approval of a Type 1 paging agreement with U S WEST and Radio Paging Service 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:USWT995.cc

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

March 16, 1999