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Attorney for the Commission Staff

BEFORE  THE  IDAHO  PUBLIC  UTILITIES  COMMISSION

IN THE MATTER OF THE APPLICATION)

OF ALBION TELEPHONE COMPANY ) CASE  NO.  ALB-T-98-4

FOR APPROVAL OF AN AGREEMENT FOR)

INTERCONNECTION PURSUANT TO 47 U.S.C. ) COMMENTS OF THE

§ 252(e).)COMMISSION STAFF

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COMES  NOW  the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Weldon B. Stutzman, Deputy Attorney General, in response to Order

No. 27817, the Notice of Joint Application and Notice of Modified Procedure in Case

No. ALB-T-98-4 issued December 7, 1998, submits the following comments.

On November 20, 1998, Albion Telephone Company (Albion) submitted an Application for approval of an interconnection agreement between Albion Telephone Company and Project Mutual Telephone Cooperative Association, Inc. in accordance with Section 252(e) of the Federal Telecommunications Act.  Albion indicated the agreement had been reached through voluntary negotiations and claimed the agreement is consistent with the public interest, convenience and necessity.  They requested the Commission approve the agreement without a hearing or intervention by other parties.

Section 252 indicates that such agreements are to be submitted to state commissions for approval.  Agreements adopted through negotiation may only be rejected if the state commission finds that:

(i) the agreement (or portion 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.

STAFF ANALYSIS

Staff has reviewed the language of this agreement and concludes that the terms and conditions in this agreement are not discriminatory.  This agreement was executed solely for the purposes of implementing expanded area service (EAS) between the service areas of these two companies.  The Commission is currently considering the issue of EAS between Albion and

U S WEST exchanges in the Burley vicinity in Case No. GNR-T-96-9.  The financial impact on Albion associated with EAS over the routes between Albion and Project Mutual will also be addressed by Staff in their analysis for the Albion/U S WEST case.  As this agreement contains language that would make the agreement null and void if the Commission does not grant the petition for EAS between Albion and U S WEST, it is not necessary to determine whether EAS between the Albion and Project Mutual exchanges is appropriate before approving this agreement.

STAFF RECOMMENDATION

Staff finds the agreement to be non-discriminatory and consistent with the public interest.  Staff recommends approval of this interconnection agreement as filed.

DATED  at Boise, Idaho, this            day of December 1998.

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Weldon B. Stutzman

Deputy Attorney General

Technical Staff:  Wayne Hart

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