

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF CUSTER TELEPHONE)
COOPERATIVE, INC. AND MIDVALE) **CASE NO. CUS-T-07-02**
TELEPHONE EXCHANGE, INC.'S JOINT)
PETITION FOR AMENDMENT OF THEIR) **NOTICE OF APPLICATION**
RESPECTIVE CERTIFICATED SERVICE)
AREA BOUNDARIES) **NOTICE OF**
) **MODIFIED PROCEDURE**
)
) **ORDER NO. 30261**

YOU ARE HEREBY NOTIFIED that on February 15, 2007, Custer Telephone Cooperative, Inc. and Midvale Telephone Exchange, Inc. filed a Joint Petition for Amendment of Certificated Service Area Boundaries. Midvale is an incumbent telephone provider regulated by the Commission pursuant to Title 61, Idaho Code. The Joint Petition states that the Companies' certificated service areas are contiguous, and Custer and Midvale participated in construction of a fiber optic ring to provide broadband service in their certificated areas west of Sunbeam, Idaho. As part of that project, the Companies agreed to a meet-point that was within Midvale's certificated service area. The parties agreed to jointly seek amendment of their respective boundaries to adjust Custer's certificated area to encompass its facilities up to the agreed upon meet-point.

YOU ARE FURTHER NOTIFIED that, at the time Custer and Midvale completed construction of the new meet-point, there were no customers of Midvale in the area encompassing the meet-point. According to the Joint Petition, there are now six residential customers in the subject area that currently receive service from Custer. Granting the Petition would remove the area from Midvale's certificated area and place it within Custer's certificated area.

YOU ARE FURTHER NOTIFIED that the Commission does have authority to designate a geographic service area for eligible telecommunications carriers, including mutual telephone companies, pursuant to *Idaho Code* § 62-610E. "Service area" is defined at *Idaho Code* § 62-610B(3) as "a geographic area designated by the commission for the purpose of determining universal service obligations of eligible telecommunications carriers." For rural

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telephone companies, “‘service area’ means the company’s ‘study areas’ as established by the federal communications commission and the public utilities commission.” Although Custer’s Petition does not reference *Idaho Code* § 62-610B or 62-610E, Staff believes the Commission is authorized to consider Custer’s Petition pursuant to those sections.

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission’s Rules of Procedure, IDAPA 31.01.01.201-204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

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 service 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. Written comments concerning this Application may be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, Idaho 83720-0074

Street Address for Express Mail:

472 W. Washington Sreet
Boise, ID 83702-5983

Dennis Thornock, Manager
Custer Telephone Cooperative, Inc.
1111 South Main
PO Box 324
Challis, ID 83226

Lane Williams
Midvale Telephone Exchange Inc.
PO Box 7
Midvale, ID 83645

Michael C. Creamer
Givens Pursley LLP
601 West Bannock Street
PO Box 2720
Boise, ID 83701

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission’s home page located at www.puc.idaho.gov. Click the “Comments and

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Questions” icon, and complete the comment form, using the case number as it appears on the front of this document.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application and supporting workpapers, testimonies and exhibits have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices or on the Commission’s Website at www.puc.idaho.gov under the “File Room” and “Telephone Cases.”

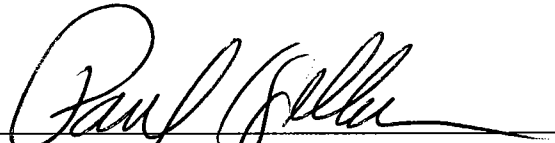
YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission’s jurisdiction under Title 61 of the Idaho Code and that the Commission may enter any final order consistent with its authority under Title 61.

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.

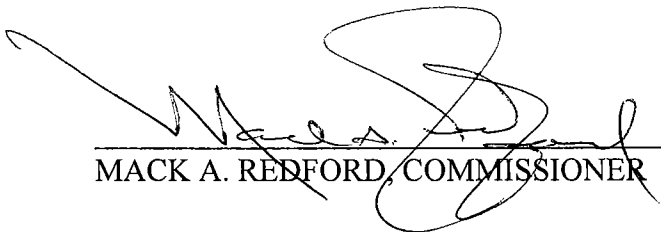
ORDER

IT IS HEREBY ORDERED that the Petition of Custer Telephone Cooperative, Inc. and Midvale Telephone Exchange, Inc. for amendment of their respective certificated service area boundaries be processed by Modified Procedure, IDAPA 31.01.01.201-.204. Persons interested in submitting written comments in this matter must do so no later than 21 days from the service date of this Order.

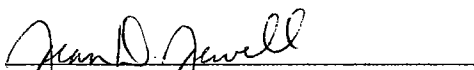
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 28th
day of February 2007.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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