

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER REDFORD  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: WELDON STUTZMAN**

**DATE: MARCH 23, 2007**

**SUBJECT: CUSTER TELEPHONE COOPERATIVE, INC. AND MIDVALE  
TELEPHONE EXCHANGE, INC.'S JOINT PETITION FOR  
AMENDMENT OF THEIR RESPECTIVE CERTIFICATED SERVICE  
AREA BOUNDARIES, CASE NO. CUS-T-07-02**

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.

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.

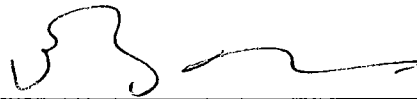
On February 28, 2007, the Commission issued a Notice of Application and Notice of Modified Procedure to process the Application. Written comments were filed only by Commission Staff in response to the Notice. Staff reported that the only customers in the

affected area are served by Custer, and that granting the Application would not affect Midvale's draw from the state Universal Service Fund.

Staff recommends that the Joint Petition to adjust the certificated service area boundaries of Custer and Midvale be approved.

**COMMISSION DECISION**

Should the Commission approve the Joint Petition to adjust the certificate service area boundaries of Custer and Midvale?



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Weldon B. Stutzman

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