

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE PETITION OF)
IAT COMMUNICATIONS, INC. DBA NTCH-) CASE NO. GNR-T-03-8
IDAHO, INC. OR CLEAR TALK FOR)
DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER.)**

**IN THE MATTER OF THE APPLICATION)
OF NPCR, INC. DBA NEXTEL PARTNERS) CASE NO. GNR-T-03-16
SEEKING DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER.) ORDER NO. 29442**

On January 23, 2004, Nextel Partners filed a Motion to Take Judicial Notice of a recent decision by the Arkansas Public Service Commission on an Application filed by the Company for eligible telecommunications carrier status in that state. (Docket No. 03-141-CL, Order No. 4). The Arkansas Commission granted Nextel Partners' Application. Nextel Partners states evidentiary hearings in the Arkansas proceeding were concluded on December 11, 2003 and an Order was issued by the Arkansas Commission on December 22, 2003, after the close of the Idaho evidentiary record. Nextel Partners asserts the Arkansas Order is relevant to the Commission's deliberations because it considers and discusses a number of issues raised in this proceeding. No party filed opposition to this Motion.

On January 30, 2004, the Idaho Telephone Association ("ITA") and Citizens Telecommunications Company of Idaho ("Citizens") filed a Motion requesting the Commission Take Official Notice of a recent Memorandum Opinion and Order issued by the Federal Communications Commission ("FCC") in Docket No. 96-45. *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular, LLC*, CC Docket No. 96-45, FCC 03-0338 (2004). Citizens and ITA state evidentiary hearings in this matter concluded prior to the issuance of this decision. Furthermore, briefs were submitted on January 23, 2004 and the FCC did not release this Order until January 22, 2004, which did not allow the parties to address the substance of this decision in briefing. ITA and Citizens state the FCC Order is relevant to the Commission's deliberations because it announces a new legal "framework" for the analysis and consideration of ETC petitions. No party filed opposition to this Motion.

On February 12, 2004, the Idaho Telephone Association (“ITA”) and Citizens Telecommunications Company of Idaho (“Citizens”) filed a Motion requesting the Commission Take Official Notice of a recent order issued by the Nebraska Public Service Commission in Case No. C-2932, “In the Matter of the Application of Amended NPSC, Inc. dba Nextel Partners.” Citizens and ITA state that evidentiary hearings and post-hearing briefing in this matter concluded prior to the issuance of the Nebraska Commission decision. ITA and Citizens state the Nebraska Order is relevant to the Commission’s deliberations because it concerns Nextel Partners Application for ETC status in that state. No opposition has been filed to the Joint Motion.

COMMISSION DECISION

Pursuant to Commission Rule of Procedure 263.01(a)(2) the Commission may take judicial notice of orders of any other regulatory agency, state or federal. Accordingly, the Commission grants the Motions to Take Judicial Notice/Official Notice of the decisions discussed above from the Arkansas and Nebraska Commissions and the FCC.


ORDER

IT IS HEREBY ORDERED that Nextel Partners’ Motion to take Judicial Notice is granted.

IT IS FURTHER ORDERED that the Idaho Telephone Association’s and Citizens Telecommunications Company of Idaho’s Motion and Second Motion to take Official Notice are granted.

THIS IS AN INTERLOCUTORY ORDER. Any person interested in this Order may file a petition for review within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. A petition to review may request that the Commission: (1) rescind, clarify, alter, amend; (2) stay; or (3) finalize this Interlocutory Order. After any person has petitioned for review, any other person may file a cross-petition within seven (7) days. See Rules 321, 322, 323.03, 324, 325 (IDAPA 31.01.01.321-325).

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8th
day of March 2004.



PAUL KJELLANDER, PRESIDENT

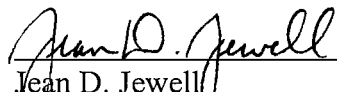


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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