

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

CITIZENS OF SOLDIERS MEADOW AREA)	
)	CASE NO. GNR-T-04-2
COMPLAINANTS,)	
)	
vs.)	
)	
QWEST CORPORATION)	
)	ORDER NO. 29627
RESPONDENT.)	
)	

This case was initiated by citizens in the Soldier Meadow area located in Nez Perce County, Idaho, who requested an extension of landline telecommunications service to their properties. On September 22, 2004, the Commission issued Order No. 29597 granting a motion filed by Qwest Corporation to dismiss the case. The Commission found that the Soldiers Meadow area is not in Qwest’s service area, and that even if the area were to be added to Qwest’s service area, the customers would be obligated to pay the costs of extending service to their properties, minus a \$1,600 customer credit as specified in Qwest’s North Idaho Exchange and Network Services Tariff. The residents of the area had indicated that they are not willing to pay the necessary costs of construction. The Commission concluded that it would be unreasonable to add Soldiers Meadow to Qwest’s territory and the “facts do not demonstrate that extension of Qwest’s facilities is necessary in the general interest of the public.” Order No. 29597, p. 3.

On October 18, 2004, the citizens filed a Petition for Reconsideration. The Petitioners state that the Commission’s decision is unreasonable, unlawful and erroneous, because the Commission did not discuss the Idaho Universal Service Fund described in *Idaho Code* § 62-610A through § 62-610F. The Petition also states that the citizens “look to the FCC Universal Service Fund for relief.” Finally, the Petition for Reconsideration requests “consideration for the Soldiers Meadow area to be included in a geographic support area or service area.”

Qwest filed an Answer to the Petition for Reconsideration on October 25, 2004. In its Answer, Qwest argued that the Petition for Reconsideration fails to set forth specifically the

ground or grounds why the petitioners contend that the Commission's Order is unreasonable, unlawful, or erroneous or not in conformity with the law, and thus fails to comply with the Commission's Rules of Procedure. Qwest asserts that the citizens "do not point to any evidence that the Commission's decision concerning the limits of Qwest's current boundary is erroneous or unlawful; nor do they offer new evidence to suggest that the Commission should reconsider its conclusion that it would be unreasonable to require Qwest to expand its exchange boundaries." Qwest Answer, p. 3. Regarding federal Universal Service Fund support, Qwest notes that there currently "is no mechanism under the FUSF to apply for or obtain advance funding to construct facilities." Because Federal USF support is based on a rural company's embedded costs, line extension costs to Soldiers Meadow could be included in a company's request for federal support only after the area were included in the company's service area and the company had already used its own funds to build the necessary facilities. Regarding the state USF, Qwest noted that in 2000 the legislature eliminated any deadline for the Commission to establish a new Idaho USF, and that "although the Commission has conducted proceedings to determine how cost models will be used to identify and rank high-cost areas using a forward-looking cost methodology, the new Idaho USF has not been established." Accordingly, Qwest asserts the Idaho USF does not offer any relief to the citizens of Soldiers Meadow.

A Petition for Reconsideration must "set forth specifically the ground or grounds why the petitioner contends that the Order or any issue decided in the Order is unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence or argument that the petitioner will offer if reconsideration is granted." Idaho Rule of Procedure 331, IDAPA 31.01.01.331. It is not enough to merely state disagreement or dissatisfaction with the Commission's decision. Commission Orders are based on the facts presented and the relevant law guiding the Commission's deliberations. Even if the Petition is liberally construed on the citizens' behalf, it is clear the Petition does not state grounds to grant reconsideration. The citizens do not contend that the facts considered by the Commission were erroneously determined or that the Commission improperly applied the law affecting the extension of service lines. Accordingly, the Commission finds it necessary to deny the Petition for Reconsideration.

The Petition for Reconsideration apparently was prompted in part by the citizens' misunderstanding of the federal and state universal service funds. Qwest does not receive USF

support from either fund. In addition, neither universal service fund currently is operated in a way to provide capital contributions for line extensions to isolated areas.

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration filed by the citizens of the Soldiers Meadow area is denied.

THIS IS A FINAL ORDER ON RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No. GNR-T-04-2 may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. *See Idaho Code § 61-627.*

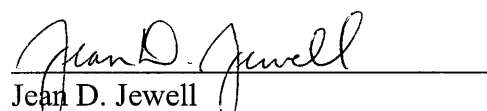
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8th day of November 2004.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

vld/O:GNRT042_ws