(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE PETITION OFBLACKFOOT TELEPHONE COOPERATIVE, INC. TO BE DESIGNATED AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER. | )  )  )  )  )  )  )  )  ) | CASE NO.  BTC-T-97-1  NOTICE OF PETITION  NOTICE OF MODIFIED           PROCEDURE  ORDER NO.  27237 |

On November 21, 1997, Blackfoot Telephone Cooperative, Inc. filed a Petition requesting that the Commission designate it as an eligible telecommunications carrier in its service area.  Blackfoot is a telephone cooperative that claims it is a rural telephone company serving apporximatelly 19 business lines and 23 residential lines in Powell, Idaho.  Although located in Idaho, this Powell, Idaho service area is part of Blackfoot’s Montana study area and is associated with the Montana 648 LATA.  Petition at p. 1.

NOTICE OFPETITION

YOU ARE HEREBY NOTIFIED that Blackfoot certifies that it is a rural telephone company as defined in the Telecommunications Act of 1996.  47 U.S.C. § 153(37).

YOU ARE FURTHER NOTIFIED that the Telecommunications Act of 1996 defines a rural telephone company as

a local exchange carrier operating entity to the extent that such entity—

(A) provides common carrier service to any local exchange carrier study area that does not include either—

(i) any incorporated place of 10,000 habitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or

(ii) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993;

(B) provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;

(C) provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or

(D) has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of the Telecommunica­tions Act of 1996.

47 U.S.C. § 153(37).  Designation as a rural telephone company exempts the rural telephone company from the Telecommunication Act’s interconnection and resale requirements until the company has received a bona fide request for interconnection, services, or network elements, and the state Public Utilities Commission determines that such request is technically feasible, consistent with Section 254 of the Telecommunications Act of 1996 and not unduly economically burdensome.  47 U.S.C. § 251(f)(1).

YOU ARE FURTHER NOTIFIED that Blackfoot requests designation as an eligible telecommunications carrier and certifies that it meets the requirements for designation as an ETC for its Idaho service area.  The federal Telecommunications Act provides that a “State commission shall . . . upon request designate a common carrier that meets the requirements [established by the FCC] as an eligible telecommunications carrier for a service area designated by the State commission.”  47 U.S.C. § 214(e)(2).

YOU ARE FURTHER NOTIFIED that before a telecommunications corporation may receive federal universal service support, it must be designated as an eligible telecommunications carrier by the state public utility commission.  Federal universal support includes high cost support, reimbursement for discounts provided to low-income customers (Lifeline and Link Up programs), and support for health care providers.

YOU ARE FURTHER NOTIFIED that to be designated as an ETC, a RLEC must offer the following services as specified in the FCC’s Universal Service Order, CC Docket No. 96-45 (FCC 97-157), released May 8, 1997:

single-party service

voice grade access to the public switched network

touch-tone service

access to emergency services, including 911 and E911

access to operator services

access to interexchange service

access to directory assistance

toll limitation services for qualifying low-income consumers

Id. at ¶¶ 61-82. Blackfoot states that, with the exception of “toll limitation” as defined by the FCC,  it offers the above-listed services using its own facilities and generally advertises the availability of these services pursuant to 47 U.S.C. § 214(e)(1)(A) and (1)(B).  Blackfoot further states that while it currently has no Lifeline customers in this exchange, it offers Lifeline services consistent with Idaho statutes and will provide Lifeline and Link Up services(footnote: 1) for qualifying low-income consumers.  Petition at p. 2.   It asserts it currently provides these services to customers throughout its Montana service territory.

YOU ARE FURTHER NOTIFIED that the FCC defines “toll limitation” as including “both toll blocking, which prevents the placement of all long distance calls for which the subscriber would be charged, and toll control, which limits the toll charges a subscriber can incur during a billing period to a preset amount.”  FCC’s Universal Service Order, (FCC 97-157), at ¶ 383; 47 C.F.R. 54.400(a)(4) (effective January 1, 1998).

YOU ARE FURTHER NOTIFIED thatBlackfoot requested the Commission grant it a waiver of “toll limitation services”(footnote: 2) in accordance with the FCC’s Universal Service Order, (FCC 97-157), ¶ 388 for five years. Blackfoot asks that the Commission grant it a waiver if the FCC requires that both toll blocking and toll control as a part of toll limitation services in accordance with the FCC Universal Support Order (FCC 97-157) ¶388.  Blackfoot states it does not have the technical ability to provide toll control.  Petition at p. 2.  Blackfoot maintains that it offers toll blocking and pre-paid calling cards.  Blackfoot declares that the combination of these two services should adequately address the toll limitation concerns contained in the FCC’s Universal Service Order.  It requests that the Commission grant it a toll control waiver for five years.  Petition at p. 2.

NOTICE OF MODIFIED PROCEDURE

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 through -.204.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Petition may file a written comment in support or opposition with the Commission within fourteen (14) days from the 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 Petition shall be mailed to the Commission and the Applicant at the addresses reflected below:

COMMISSION SECRETARYJOAN MANDEVILLE

IDAHO PUBLIC UTILITIES COMMISSIONBLACKFOOT TELEPHONE COOPERATIVE, INC.

PO BOX 837201221 N. RUSSELL STREET

BOISE, IDAHO  83720-0074MISSOULA, MT.  59802-1898

Street Address for Express Mail:

472 W WASHINGTON ST

BOISE, IDAHO  83702-5983

These comments should contain the case caption and case number shown on the first page of this document.

YOU ARE FURTHER NOTIFIED that if no written comments 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 Petition has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 or Title 62 of the Idaho Code and that the Commission may enter any final Order consistent with its authority under Title 61 or Title 62.

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.

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter pursuant to Idaho Code § 62-615(1).

O R D E R

IT IS HEREBY ORDERED that this matter be processed under Modified Procedure.  Persons interested in submitting written comments in this matter should do so within fourteen (14) days from the date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of November 1997.

                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                      RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

O:btct971.cc

**FOOTNOTES**

1:

Link Up assists low-income subscribers to acquire new telephone service by paying half of the first $60.00 charge for the installation of service.  To be eligible for this program, an eligible subscriber must meet the state-established means test.  Link Up currently is funded through an adjustment that allocates the incumbent LEC’s Link-Up cost to the interstate jurisdiction, effectively passing them onto interexchange carriers.  USF Order at ¶ 344.

2:

 “Toll blocking” is currently available in most Idaho exchanges and simply prohibits the customer from making long-distance calls.  “Toll control” permits a customer to limit the toll charges he or she can incur during a billing period to a preset amount.  This latter service would require a substantial integration between the CO switch and the billing records of the customer.

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

December 2, 1997