

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Barbara Beerhalter	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Darrel L. Peterson	Commissioner

Issue Date: March 28, 1988

In the Matter of Northwestern Docket No. P-421/M-85-816 Bell Telephone Company's  
Revised Carriers Tariff for Services Provided to Radio Common

In the Matter of MCI/Cellcom's Docket No. P-421,RP-40/M-Refusal to Pay Charges  
86-332

ORDER AMENDING  
NOVEMBER 2, 1987 ORDER

PROCEDURAL HISTORY

On November 2, 1987, the Minnesota Public Utilities Commission (Commission) issued its Findings Of Fact, Conclusions Of Law And Order, And Order Closing Related Docket (November 2 Order) in this proceeding.

On November 13, 1987, Minnesota Cellular Telephone Company (Minnesota Cellular) and the Minnesota Radio Common Carrier Association (MRCCA) separately requested clarification of the November 2 Order.

On December 23, 1987, the Commission met to consider the requests of Minnesota Cellular and the MRCCA. Northwestern Bell Telephone Company (NWB), Minnesota Cellular, MRCCA, and the Minnesota Department of Public Service (DPS) made oral comments at the meeting.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Minnesota Cellular Request

Minnesota Cellular expressed concern about a reference in the fifth whole paragraph on page 5 of the November 2 Order stating that cellular rates are "not necessarily cost based." Minnesota Cellular indicated that the parties, during negotiations, made an effort to tie cellular rates to costs. Minnesota

Cellular indicated it does not believe that the stipulated cellular rates have no cost basis. Minnesota Cellular requested that the phrase "although not necessarily cost based" be deleted from paragraph 5 on page 5 of the Order. The sentence reads: Nevertheless, Cellular RCCs will not be subsidized by other NWB customers because the proposed rates, although not necessarily cost based, exceed the Company's cost to provide the services. (Disputed language is underlined.)

No party opposed Minnesota Cellular's request.

### MRCCA Requests

The MRCCA requested two changes in the November 2 Order. The first request was for deletion of the third sentence in the second paragraph on page 6 of the November 2 Order. The sentence MRCCA requested be deleted reads: The settlements provide that these RCCs pay the same rates for their service that other business customers pay for Direct Inward Dialing Service.

MRCCA requested that it be deleted, arguing that the finding is not based on the factual record in the various proceedings that addressed conventional RCC rates and that under the negotiated tariff, conventional RCCs pay considerably more than Cellular Carriers.

MRCCA's second request relates to language in a sentence in the third paragraph on page 7 of the November 2 Order. The sentence reads: NWB proposed that the usage rates for completing calls from Conventional RCC customers be reduced to reflect a level of contribution that is equal to or lower than the level of contribution contained in the proposed usage rates for cellular RCCs. (The disputed language is underlined.)

MRCCA indicated that its agreement with NWB provided for a level of contribution in Conventional RCC rates that is "equal" to that paid by Cellular RCCs. MRCCA requested that the words "or lower than" be stricken from the November 2 Order.

No party opposed either of MRCCA's requests to amend the November 2 Order.

The Commission must decide whether to accept any or all of the proposed amendments to its November 2, 1987 Order.

The Commission finds that the changes suggested by Minnesota Cellular and MRCCA do not materially change its earlier findings and conclusions. In the interest of reducing any possible

ambiguities, the Commission finds that it is reasonable to accept them. The Commission concludes that it will amend its November 2, 1987 Order to reflect these concerns.

### ORDER

1. The November 2, 1987 Order in this proceeding is amended as follows:

A. Paragraph 5 on page 5 of the Order now states:

The record reflects that in entering into negotiated contract agreements, NWB, and the Cellular RCCs compromised some of their positions regarding appropriate business relationships and rates. Nevertheless, Cellular RCCs will not be subsidized by other NWB customers because the proposed rates exceed the Company's cost to provide the services. The Commission finds that the negotiated agreements between NWB and the Cellular RCCs establish appropriate rates and an appropriate business relationship between them. The Commission concludes that approval of these agreements and associated tariffs will promote the efficient resolution of this dispute over these miscellaneous rates and are reasonable and in the public interest.

B. Paragraph 2 on page 6 now states:

Conventional RCCs that provide radio paging service require one-way wire facilities that connect the RCC's switching office to the NWB central office and blocks of telephone numbers that the RCC can assign to individual paging customers. NWB customers then can reach a RCC paging customer by dialing a seven digit local telephone number. Thus, the settlements propose that RCCs providing paging service pay the same rates, over a three year period, that have been approved by the Commission for other customers that receive similar service.

C. Paragraph 3 on page 7 now states:

At the October 7, 1987 Commission meeting, NWB made a further proposal in an attempt to resolve the DPS's remaining concerns regarding rates for Conventional RCCs. NWB proposed that the usage rates for completing calls from Conventional RCC customers be reduced to reflect a level of contribution that is equal to the level of contribution contained in the proposed usage rates for cellular RCCs. The DPS indicated that NWB's proposal reasonably resolved the DPS's concerns regarding the proposed settlement and rates for Conventional RCCs. MRCCA also accepted NWB's proposal. No party opposed NWB's proposal.

2. This Order is effective immediately

BY ORDER OF THE COMMISSION

Mary Ellen Hennen  
Executive Secretary

(SEAL)