

P-558, 421/CP-87-16DENYING PETITION AND VARYING RULE REGARDING REFILEING

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

In the Matter of a Petition for Extended Area
Service From Rollag to Fargo/Moorhead

ISSUE DATE: January 6, 1989

DOCKET NO. P-558, 421/CP-87-16

ORDER DENYING PETITION AND
VARYING RULE REGARDING REFILEING

PROCEDURAL HISTORY

On January 8, 1987 telephone subscribers in Rollag, Minnesota filed a petition under Minn. Rules, part 7815.0700, requesting Extended Area Service (EAS) between Rollag; Moorhead, Minnesota; and Fargo, North Dakota.

On February 4, 1987 Northwestern Bell Telephone Company (Northwestern Bell or the Company) filed a request for a variance from the requirements of Minn. Rules, parts 7815.0800 to 7815.1000, which required the Company to conduct traffic studies, compute proposed EAS rates, and enter into a stipulation of facts regarding the proposed EAS route. The Company stated that offering Extended Area Service between Rollag and Fargo was virtually impossible, because its North Dakota tariff limited EAS to situations in which both exchanges averaged two calls per line per month to the other exchange. It was undisputed that the volume of calls from Fargo to Rollag did not reach that level.

The petition sponsor requested additional time to contact the North Dakota Public Utilities Commission to explore possible alternatives to meeting the two calls per line per month threshold. Department of Public Service (Department) staff and Commission staff have contacted the sponsor periodically to determine the status of these discussions. There have been no reports of significant progress.

On February 10, 1988 the Department recommended that the Commission deny the petition on grounds that the proposed EAS route could not be established under Northwestern Bell's North Dakota tariff. The Department also recommended that the Commission grant Northwestern Bell the variance it requested to relieve the Company of the requirements to conduct traffic studies, to compute proposed rates, and to enter into a stipulation of facts regarding the proposed EAS route.

FINDINGS AND CONCLUSIONS

The Commission agrees with the Department and with Northwestern Bell that there is no need for traffic studies, proposed rates, or a stipulation of facts to be filed in this case. The proposed EAS route is not feasible, given the Company's North Dakota tariff. The Commission has allowed the petitioning exchange adequate time to explore possibilities for waiver of the tariff, and discussions with the North Dakota Commission have yielded no indication that the two call per line threshold can or will be waived. Under these circumstances, the petition will be denied.

Since the Commission does not need traffic studies, rate computations, or a stipulation of facts to make this decision, it would be a misallocation of resources to require them. The Commission will therefore waive the requirements of Minn. Rules, part 7815.0800 to 7815.1000, finding that filing traffic studies, a stipulation of facts, and proposed rates would impose an excessive burden on the Company and the Department, that eliminating these requirements will not adversely affect the public interest, and that eliminating these requirements does not conflict with any applicable legal standard. Minn. Rules, part 7830.4400.

Finally, the Commission realizes that Rollag subscribers may have a need or desire for some other form of discounted interexchange service, such as a Community Calling Plan or Extended Area Service to Moorhead alone. The Commission will therefore vary the provisions of Minn. Rules, part 7815.1500, to allow Rollag subscribers to file a petition for EAS to Moorhead sooner than two years from the date of this Order, if they wish. This variance is based on Commission findings that a two-year ban on requesting EAS to Moorhead would impose an excessive hardship on Rollag subscribers and that lifting the ban would not adversely affect the public interest or conflict with any applicable legal standard.

ORDER

1. The petition for Extended Area Service from Rollag to the Fargo/Moorhead calling area, filed January 8, 1987, is hereby denied.
2. The provisions of Minn. Rules, part 7815.1500, which prohibit consideration of a petition for Extended Area Service for two years following any denial of a petition for the same proposed route, is hereby varied to allow Rollag subscribers to petition sooner for Extended Area Service to Moorhead or for a Community Calling Plan, if they so choose.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)