

P-421/M-88-981DENYING MOTION TO CLOSE DOCKET, DIRECTING NORTHWESTERN BELL TELEPHONE COMPANY TO RESPOND TO INFORMATION REQUESTS AND GRANTING TIME EXTENSIONS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

In the Matter of Northwestern Bell Telephone Company's Proposal to Introduce Selective Carrier Denial as a Permanent Tariff Offering in Minnesota

ISSUE DATE: January 4, 1990

DOCKET NO. P-421/M-88-981

In the Matter of an Investigation of Disconnection Policies of Local Exchange Companies

DOCKET NO. P-999/DI-89-921

ORDER DENYING MOTION TO CLOSE DOCKET, DIRECTING NORTHWESTERN BELL TELEPHONE COMPANY TO RESPOND TO INFORMATION REQUESTS AND GRANTING TIME EXTENSIONS

PROCEDURAL HISTORY

On October 10, 1989, the Commission met to consider a proposal by Northwestern Bell Telephone Company (the Company) to introduce Selective Carrier Denial (SCD) as a permanent tariff offering in Minnesota (Docket No. P-421/M-88-981, hereafter referred to as "the 981 docket"). In the course of that proceeding, the Commission requested the Department of Public Service (the Department) to conduct an informal investigation regarding current Minnesota local exchange telephone company policies that apply to disconnection of local service for anything other than arrearages in local service bills.

On October 17, 1989, in response to the Commission's request, the Department opened In the Matter of an Investigation of Disconnection Policies of Local Exchange Companies, Docket No. P-999/DI-89-921 (hereafter referred to as "the 921 docket"). On November 9, 1989, the Department began its investigation in the 921 docket and on November 16, 1989, issued information requests to 25 local exchange companies, not including the Company. The Department's report of investigation (hereafter referred to as "the Department's 921 report") was due to be submitted to the Commission within sixty (60) days of the commencement of the investigation, on or before January 8, 1990.

On November 13, 1989, the Commission issued an order in the 981 docket regarding the formal decisions made at its October 10, 1989 meeting. Among other things, the Commission ordered Northwestern Bell Telephone Company (the Company) to file a report (hereafter referred to as "the Company's 981 report") detailing the results of its review of the technical and economic feasibility of installing equipment which could deny delinquent toll customers access to the Company's intraLATA toll network without terminating local service. The Commission granted the Company thirty (30) days from the issue date of the order to file this report. In the Matter of In the Matter of Northwestern Bell Telephone Company's Proposal to Introduce Selective Carrier Denial as a Permanent Tariff Offering in Minnesota, ORDER AUTHORIZING PERMANENT SERVICE OFFERING AND REQUIRING REPORT (November 13, 1989), at 3.

On December 7, 1989, the Company requested a sixty (60) day extension of time in which to file its 981 report.

In a December 14, 1989 letter, the Department recommended that the Commission extend the Company's deadline regarding the economic feasibility component of the 981 report by sixty (60) days, but order the Company to file an interim report regarding its current technical capabilities to deny delinquent toll customers access to the Company's intraLATA toll network without terminating local service on or before December 27, 1989, two weeks beyond December 13, 1989, the date that the entire 981 report had been originally due.

On December 22, 1989, the Company filed its response to the Department's recommendations, along with a motion requesting the Commission to close Docket No. P-421/M-88-981.

The matter came before the Commission on December 26, 1989.

FINDINGS AND CONCLUSIONS

The Commission finds that the information-gathering which proceeds under the two dockets is adequately differentiated to justify maintenance of the two dockets:

The 921 Investigation: The investigation that the Commission requested the Department to conduct (the 921 docket) surveys current local exchange company policies regarding disconnection of local service for reasons other than arrearages in local service bills.

The Company's 981 Report: The report that the Commission ordered the Company to submit as part of the 981 docket is a review of the technical and economic feasibility of installing equipment which could deny delinquent toll customers' access to the Company's intraLATA toll network without terminating local service.

The Company has not demonstrated that maintenance of the two dockets in question is an unnecessary duplication. Indeed, to the extent that questions addressed in the Company's 981 report and the 921 investigation are similar, the Commission views these fact-finding efforts as complementary.

The Commission has broad regulatory and policy-making powers and responsibilities with respect to telephone service in Minnesota. Minn. Stat. §§ 237.02, 237.06, and 237.081. The 921 investigation and the Company's 981 report are avenues by which the Commission is establishing its information base on subjects within its jurisdiction. In light of the Commission's broad regulatory and policy making responsibilities, it is premature to preclude either of these avenues of information. The Company's motion to close this docket will be denied.

Regarding the Company's request for a 60 day extension of time to submit its report in the 981 docket, the Commission is persuaded that, given the scope of the report as detailed by the Company in its oral presentation before the Commission and filing dated December 22, 1989, the requested extension of time is warranted. The Commission will grant the Company 60 days beyond December 13, 1989, the original due date, to file this report. Accordingly, the Company's 981 report will be filed on or before February 11, 1990.

The Department has made certain requests of the Company for information in connection with these two dockets. The Commission is seriously concerned that the Company has not provided the information requested by the Department within the time customarily allotted for such purposes. Response to Department information requests is an on-going responsibility of a regulated utility and is essential to the established regulatory structure. To underline its concern for observance of this process and the importance which the Commission attaches to the subjects of these information requests, the Commission will direct the Company to respond to the Department's information requests promptly.

Finally, at the December 26, 1989 meeting, the Department has requested a thirty (30) day extension of time to file a report of its investigation in the 921 docket. Under the circumstances, this request is reasonable and will be granted. The Department

shall file its 921 report within the 30 day period following January 8, 1990, the date that its report was originally due. Accordingly, the Department's report will be filed on or before February 8, 1990.

ORDER

1. Northwestern Bell Telephone Company's motion to close Docket No. P-421/M-88-981, is denied.
2. Northwestern Bell Telephone Company is granted a sixty (60) day extension beyond the date it was originally due to file a report in Docket No.P-421/M-88-981 detailing the results of its review of the technical and economic feasibility of installing equipment which could deny delinquent toll customers access to the Company's intraLATA toll network without terminating local service. The Company shall file this report on or before February 11, 1990.
3. Northwestern Bell Telephone Company is directed to respond to the requests for information from the Department of Public Service forthwith.
4. The Department is granted a thirty (30) day extension beyond the date its report was originally due in Docket No.P- 999/DI-89-921. The Department shall file this report on or before February 8, 1990.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Lee Larson
Acting Executive Secretary

(S E A L)