

P-421, 537/CP-90-2 GRANTING A VARIANCE AND TIME EXTENSION

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 a Petition for Extended Area Service From the Federal Dam Exchange to the Cass Lake and Bemidji Exchanges

ISSUE DATE: April 30, 1990

DOCKET NO. P-421, 537/CP-90-2

ORDER GRANTING A VARIANCE AND TIME EXTENSION

**PROCEDURAL HISTORY**

On January 3, 1990, telephone subscribers in the Federal Dam Exchange of the Johnson Telephone Company filed and served upon the parties a petition under Minn. Rules, part 7815.0700, requesting Extended Area Service (EAS) between their exchange and the Cass Lake and Bemidji exchanges.

On February 16, 1990, the Commission issued its ORDER GRANTING EXTENSION OF TIME to Northwestern Bell Telephone Company (NWB) and Johnson Telephone Company (Johnson) requiring NWB and Johnson to make their Extended Area Service (EAS) filings under Minn. Rules, part 7815.0800-7815.1900 by March 19, 1990.

On March 19, 1990, Johnson submitted an incomplete filing stating that it had not received all necessary information from NWB.

On March 20, 1990, NWB submitted its filing.

On March 21, 1990, the Department requested 45 days from the date that Johnson completes its filing to file the stipulation of facts.

No comments were received on the Department's request and on April 3, 1990, the matter came before the Commission for determination.

**FINDINGS AND CONCLUSIONS**

Under Minn Rules, part 7815.1000, the Minnesota Department of Public Service (the Department)

and the telephone companies serving the exchanges in question are to file a stipulation of facts containing information upon which the Commission can base a determination of whether the public interest requires the installation of extended area service within 60 days of date of service of the petition. The service date of this petition was January 3, 1990.

The Department's request to extend the time for filing the stipulation of facts requires a variance from time requirement of Minn. Rules, part 7815.1000. In this case, the requirements for a variance which are set forth in Minn. Rules, part 7830.4400 are satisfied. Enforcing the time requirement would impose an excessive burden on the Department because it would have to make two filings: one incomplete and inadequate filing to be timely and a later one to provide a satisfactory stipulation of facts for this case. Second, an extension of time serves the public interest in that it allows the Department to prepare a quality filing that will provide the Commission with adequate information to evaluate this EAS petition. Finally, granting an extension does not violate any standards imposed by law or work any hardship upon any party.

The only impediment to the Department's work on the stipulation of facts is the incompleteness of Johnson's filing. The Commission is informed by Johnson's accounting firm that Johnson's filing can be completed by April 9, 1990. Accordingly, the Commission will vary the timeline for filing the stipulation of facts and will require the Department to submit the stipulation of facts by May 24, 1990 or 45 days from the date that Johnson completes its filing whichever is earlier.

### **ORDER**

1. The provisions of Minn. Rules, part 7815.1000 are varied to require the Minnesota Department of Public Service to file the required stipulation of facts by May 24, 1990 or 45 days from the date that Johnson Telephone Company completes its filing, whichever is earlier.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

(S E A L)