

P-430/C-90-636 ORDER INITIATING INVESTIGATION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Darrel L. Peterson	Chair
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner
Norma McKanna	Commissioner
Patrice M. Vick	Commissioner

In the Matter of a Complaint
Regarding United Telephone
Company's Quality of Service and
Concern for the Public Safety in
the Dassel and Cokato Telephone
Exchanges

ISSUE DATE: June 10, 1991

DOCKET NO. P-430/C-90-636

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PROCEDURAL HISTORY

On August 24, 1990, Mr. Wyman A. Nelson, a subscriber of United Telephone Company (United or the Company), filed a complaint with the Commission against United. Mr. Nelson alleged that the Company provided telephone service of inadequate quality to its customers in the exchanges of Dassel and Cokato. According to Mr. Nelson, the Company's poor service stemmed from its use of outdated electromechanical switching equipment instead of modern digital switching equipment. Mr. Nelson attached a letter from a United subscriber alleging that the Company's inadequate provision of 911 service resulted in a safety hazard to local citizens.

On September 5, 1990, United submitted an informational filing in response to an inquiry by the Department of Public Service (the Department). The Company stated that it had spent approximately \$140,000 in expanding its equipment in Dassel and Cokato, and had completed operational audits of each office. The Company also stated that it had contacted customers and tested their facilities when service complaints arose.

On February 7, 1991, the Department filed its Report of Investigation and Recommendation. The Department recommended that quality of service issues should be examined in a formal context, that United should submit ongoing monthly service reports, and that the public safety aspect of the investigation should be closed.

On May 14, 1991, the Commission met to consider the issues raised in this matter. At the Commission meeting Mr. Nelson and approximately six other Dassel or Cokato citizens spoke regarding their experience with United service, which they deemed

inadequate. Representatives of United also spoke regarding the Company's projected change to digital switching equipment. United representatives estimated that this equipment would be installed in approximately August of 1993.

FINDINGS AND CONCLUSIONS

Commission Jurisdiction

Several Commission rules address the issue of adequacy of telephone service. Minn. Rules, part 7810.5300 provides certain standards of service for telephone companies. Telephone companies are required to maintain sufficient central office capacity and equipment to provide a dial tone within three seconds on at least 98 percent of telephone calls and complete dialing of called numbers without encountering an all-trunks busy condition on at least 97 percent of calls.

Minn. Rules, part 7810.5500 determines transmission requirements. Telephone utilities must maintain equipment which provides satisfactory transmission of communication in their service areas, at an adequate volume level and free of excessive distortion. Levels of noise and crosstalk must not impair communications.

Finally, Minn. Rules, part 7810.5000 requires telephone companies to provide telephone service which "meet[s] or exceeds the standards set forth in this chapter."

Thus, the Commission has the jurisdiction to determine if telephone utilities meet standards of service set by rule. Where the rule is not specific, the Commission must determine in its own discretion if the service provided is or is not adequate.

The Investigation Process

Although Mr. Nelson stated in his filed petition that he was acting on behalf of "the communities of Cokato and Dassel," he alone signed the letter. Mr. Nelson's filing did not therefore conform to the statutory requirements which can trigger a complaint investigation. Under Minn. Stat. § 237.081, subd. 1a (1990), a citizen's complaint against a telephone company must be made by "no fewer than five percent or 100, whichever is the lesser number, of the subscribers or spouses of subscribers of the particular telephone company."

Minn. Stat. § 237.081 provides for another means of investigation. Under subd. 1 of that statute, the Commission may

initiate an investigation on its own motion "[w]henever the commission believes that a service is inadequate or cannot be obtained or that an investigation of any matter relating to any telephone service should for any reason be made..." In this case, sufficient facts have been presented to the Commission (as discussed more fully below) to warrant the initiation of an investigation on the Commission's own motion.

Commission Action

In Mr. Nelson's complaint and at the Commission's hearing, allegations were raised regarding inadequate service and conditions inimical to public safety. Subscribers complained regarding frequent incomplete calls, errors in fax transmission, static on the line and breaks in communication. Subscribers were unhappy about United's perceived delay in installing 911 ring-back service, a means by which the sheriff's department can automatically call back a party who has just rung the 911 number if the connection is unclear or interrupted. Complaining customers felt that the Company had dragged its feet for approximately five years before installing this public safety feature in 1990. Many subscribers expressed dissatisfaction with United's projected date for installing modern digital switching equipment. The subscribers felt that their exchanges should be placed higher on United's list for updating switching equipment.

The Commission has listened carefully to questions raised by the citizens of Dassel and Cokato, and believes that sufficient allegations have been raised to warrant an investigation of United's service to these exchanges. The Commission agrees with the Department that ongoing monitoring of United's service in Dassel and Cokato is required. The Commission will require the Company to submit monthly reports to the Department containing the following information:

1. The current and previous twelve months' Equipment Maintenance Index for the Dassel and Cokato exchanges.
2. A list of customer complaints which occurred during the month.
3. A digital switch installation report which outlines the progress made in installing new plant and a forecast of United's accomplishments in the next reporting period.

If the Company has or obtains any information regarding a feasible method of speeding the process of switchover from electromechanical switches to digital switching apparatus, it should include this information in its next monthly report.

A representative of the Wright County Sheriff's Department expressed concern regarding United's allegedly inadequate service and its effect on the 911 ring-back feature. Because of this and other public safety concerns raised before the Commission, the Commission will require the Company to include any relevant safety issues in its monthly reports.

The Commission will monitor closely the issues covered in the monthly reports. Any indication of a decline in service in these exchanges will prompt further action.

ORDER

1. The Commission will open an investigation regarding issues of adequacy of service and public safety arising from the provision of telephone service by United Telephone Company to the Dassel and Cokato telephone exchanges.
2. As part of the investigation, United Telephone Company shall file monthly reports as outlined in the body of this Order. These reports shall continue for six months beyond the date digital switch conversion occurs.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)