

P-999/CI-89-477 ORDER APPROVING SETTLEMENT AGREEMENTS AND
PARTIALLY CLOSING DOCKET

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 Petition from the Residential Utilities Division of the Office of the Attorney General for an Investigation into the Restriction of Access to Information Services	ISSUE DATE: July 12, 1991 DOCKET NO. P-999/CI-89-477 ORDER APPROVING SETTLEMENT AGREEMENTS AND PARTIALLY CLOSING DOCKET
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PROCEDURAL HISTORY

On October 23, 1989, the Commission issued its ORDER INITIATING INVESTIGATION AND ORDER TO SHOW CAUSE. In that Order the Commission initiated an investigation into the restriction of access to interstate information services, also known as blocking 900 services.

On March 19, 1990, the Commission issued its ORDER APPROVING TERMS FOR DISMISSAL AND DISMISSING NORTHWESTERN BELL TELEPHONE COMPANY FROM THE INVESTIGATION AND REQUIRING THE OFFICE OF THE ATTORNEY GENERAL TO REPORT ON THE STATUS OF ITS OTHER RELATED NEGOTIATIONS. In that Order the Commission approved a settlement agreement between US WEST Communications, Inc. (US WEST), formerly known as Northwestern Bell Telephone Company, and the Residential Utilities Division of the Office of Attorney General (RUD-OAG). The Commission dismissed US WEST from the investigation upon several conditions.

The Commission approved further settlement agreements in Orders dated May 14, 1990 and August 23, 1990. The August 23 Order approved 900 blocking for Mankato Citizens Telephone Company (MCTC). Mid-Communications, Inc. (Mid-Com), a sister company to MCTC, voluntarily implemented the same 900 blocking service at the same time as MCTC.

On September 13, 1990, the Commission issued its ORDER APPROVING SETTLEMENT AGREEMENT AND ALLOWING TIME EXTENSION. In that Order the Commission approved a settlement agreement between the RUD-OAG and the Minnesota Independent Coalition (MIC), a trade organization representing all but five Minnesota independent telephone companies. This meant that the five telephone companies not represented by MIC were the only Minnesota telephone companies which had not entered into settlements with

the RUD-OAG. The Commission granted the RUD-OAG a time extension to pursue settlement agreements with these remaining telephone companies. The telephone companies are Chester Telephone Company (Chester), Solon Springs Telephone Company (Solon), Barnesville Telephone Utility (Barnesville), GTE Corporation (GTE), and Calloway Telephone Company (Calloway).

Between September 14, 1990, and December 18, 1990, the RUD-OAG entered into settlement agreements with the five independent telephone companies. The agreements contain the following provisions:

1. Where technologically feasible, the companies will provide 900 blocking service without additional charge upon request by the subscriber;
2. costs for 900 blocking will be assigned to the local switching element of the Minnesota Access Service Tariff.
3. Where blocking is not available, disputed charges will be forgiven;
4. If a subscriber declines blocking, but continually requests forgiveness of 900 service charges, the company may institute blocking;
5. Nonpayment of 900 charges shall not result in the termination or in the threat of termination of local service.

The Commission considered the settlement agreements at a meeting held on July 2, 1991. At the meeting, a representative of the RUD-OAG stated that while negotiations had been successfully concluded with the local telephone companies, the RUD-OAG continued to negotiate with long distance telephone companies regarding 900 service. The RUD-OAG requested that the Commission keep this docket open for consideration of issues regarding the long distance carriers.

FINDINGS AND CONCLUSIONS

The Commission finds that the provisions of the five settlement agreements are reasonable and in line with Commission policy. The settlement conditions, which closely resemble approved settlements with other telephone companies, afford adequate protection for consumers. Blocking is required where feasible, and where blocking is not available disputed charges will be forgiven. No consumer will suffer termination of local service for nonpayment of 900 charges. The companies are protected from

consumer "900 abuse" by the provision allowing the companies to block when blocking has been refused but the customer registers repeated complaints.

The Commission notes that the proposed tariffs submitted along with the settlement agreements did not contain specific language indicating that local service will not be disconnected due to disputed 900 service charges. The Commission will require that this provision of the settlement agreements be reflected in company tariffs.

The Commission finds that the 900 blocking service offered by Mid-Com is the same as that offered by MCTC, its sister company, and is appropriate. Therefore, the Commission need not take further action regarding Mid-Com.

The Commission finds that this docket should be closed as to the five local telephone companies, but remain open to consider 900 issues affecting long distance carriers. To help the Commission monitor progress on this docket, the Commission will require the RUD-OAG to file a status report within 90 days.

ORDER

1. Settlement agreements reached between the RUD-OAG and Calloway, Solon, Chester, Barnesville and GTE are approved. The telephone companies shall file compliance tariffs within 10 days of the date of this Order. The tariffs shall include language indicating that local service will not be disconnected due to disputed 900 service charges.
2. The docket shall be closed regarding the local telephone companies, but shall remain open for consideration of 900 issues for long distance carriers.
3. Within 90 days of the date of this Order the RUD-OAG shall file a status report regarding its negotiations with long distance carriers.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

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