

P-3018/M-90-609 ORDER APPROVING TARIFF

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

In the Matter of the Current
Tariff Filing of Bemidji Long
Distance Service, Inc.

ISSUE DATE: July 12, 1991

DOCKET NO. P-3018/M-90-609

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PROCEDURAL HISTORY

On May 31, 1991, the Department of Public Service (the Department) filed a complaint with the Commission, alleging that a rate sheet filed by Bemidji Long Distance Service, Inc. (Bemidji or the Company) contained misleading and deceptive information. The complaint was the subject of Docket No. P-3018/C-90-406, In the Matter of a Complaint Filed Against Bemidji Long Distance Service (the 406 Docket). On June 14, 1990, Bemidji responded by filing a letter clarifying its rate statements. On August 16, 1990, the Company filed an updated tariff in accordance with its clarifying letter. The tariff was updated on September 23, 1990. The new tariff was assigned Docket No. P-3018/M-90-609, In the Matter of the Current Tariff Filing of Bemidji Long Distance Service, Inc. (the 609 Docket).

On October 16, 1990, the Commission issued its ORDER REQUIRING COMPANY TO CLARIFY STATEMENTS AND PLACING COMPANY ON NOTICE in the 406 Docket. In that Order the Commission required Bemidji to clarify its rate statement to customers. The Commission also placed the Company on notice that future tariff violations would not be tolerated.

On November 30, 1990, the Department filed a report and recommendation regarding Bemidji's new tariff. The Department recommended that the new tariff be approved and that the Company be required to provide refunds for two services it offered prior to filing of the tariff.

Bemidji filed responsive comments on December 24, 1990. The Department submitted a response on December 28, 1990.

The matter came before the Commission on February 5, 1991 and July 2, 1991.

FINDINGS AND CONCLUSIONS

Bemidji has clarified any ambiguities or misleading statements in its tariff. The tariff is now in conformity with Commission standards for telephone company rate tariffs. The Commission agrees with the Department that the filed tariff should be approved.

Bemidji has indicated that current management "inherited" certain items, including the rate sheet which was the object of complaint, when the Company was acquired by the present ownership. Once alerted to the misleading statements, the Company demonstrated prompt attention to the complaint. Bemidji had filed a new, responsive tariff before the Commission had a chance to meet to consider the Department's complaint. Thus, the Company was already in conformity with acceptable practice on October 16, 1990, when the Commission issued its Order requiring the Company to clarify its rate statements.

This Company has demonstrated good faith and a spirit of cooperation with the Department and the Commission. There has been no allegation of wrongdoing since August 16, when the Company filed its new tariff. The Commission chose to warn the Company against "future tariff violations" in its October 16 Order instead of focusing on past transgressions. In light of the circumstances of this case, the Commission will continue with the same treatment of the Company. The Commission will approve the tariff without imposing any refund requirement.

ORDER

1. Bemidji's tariff filed on August 17, 1990 and updated on September 23, 1990 is approved.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)