

P-421/C-90-1184 ORDER REQUIRING ANSWER AND ESTABLISHING COMMENT
PERIOD

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Tom Burton	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner
Norma McKanna	Commissioner

In the Matter of the Complaint of AT&T Communications of the Midwest, Inc. Regarding U S WEST Communications, Inc.'s Intrastate Access Charges	ISSUE DATE: May 18, 1992 DOCKET NO. P-421/C-90-1184 ORDER REQUIRING ANSWER AND ESTABLISHING COMMENT PERIOD
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PROCEDURAL HISTORY

On December 31, 1990 AT&T Communications of the Midwest, Inc. (AT&T) filed a complaint against U S WEST Communications, Inc. (U S WEST). AT&T claimed U S WEST's intrastate access charges were excessive, proposed a two-step rate reduction, and stated it would reduce its toll rates at each step of the proposed rate reduction. On January 22, 1991 U S WEST filed an answer stating its general willingness to adjust intrastate access charges on an income neutral basis. The answer emphasized the complexity of the factual and policy assumptions underlying current rates, and stressed the need for full factual development.

On January 30, 1991 AT&T asked the Commission to defer action on the complaint while AT&T and U S WEST held discussions to narrow the issues it raised. On March 27, 1991 both parties asked the Commission to defer formal action until one or both of them informed the Commission these discussions were no longer productive.

On April 10, 1992 AT&T filed an amended complaint, motion, notice of motion, and memorandum, copies attached. The amended complaint sought larger reductions in U S WEST's intrastate access charges and alleged that current intrastate access charges violated statutory standards of reasonableness, fairness, and non-discrimination.

The accompanying motion asked the Commission to take the following actions: (1) permit the filing of the amended complaint, (2) determine whether and to what extent any access charge reductions ordered in the docket should be income neutral in their effect on U S WEST; (3) use an expedited proceeding under Minn. Stat. §§ 237.61 and 237.081 (1990) to resolve the

issues in the case; (4) assess all regulatory expenses connected with the proceeding against U S WEST.

The matter came before the Commission on May 5, 1992.

FINDINGS AND CONCLUSIONS

The Commission finds it has jurisdiction over AT&T's motion and amended complaint and will require U S WEST to respond to both. The Commission also finds that this complaint raises issues that affect persons who are not parties to this proceeding. U S WEST access charges affect the operating costs of all Minnesota interexchange carriers. Access charges are an integral feature of U S WEST's rate design; significant changes in access charge amounts might affect rates for other services. The Commission will therefore take steps to ensure broad notice of this proceeding and ample opportunity for potentially interested persons to intervene or otherwise participate.

The Commission will serve this Order on the attached service list, which includes all Minnesota interexchange carriers, all parties to U S WEST's incentive plan proceeding¹, and all parties to the proceeding in which U S WEST's access charges were initially established². The Commission invites comments under the time schedule set forth below on AT&T's complaint, AT&T's motion, U S WEST's response, and on the appropriate procedural treatment of the issues in this proceeding.

U S WEST will serve its responsive filing on this service list. All persons filing initial comments will serve them on this service list. The Commission will then prepare an official service list made up of U S WEST, AT&T, and those who filed comments in the matter.

U S WEST's responsive filing will be due within 20 days of this Order; interested persons will then have 20 days to file comments. Any additional comment periods will be set by further Order.

¹ In the Matter of Northwestern Bell Telephone Company's, d/b/a U S WEST Communication's, Proposed Incentive Regulation Plan, Docket No. P-421/EI-89-860.

² In the Matter of a Summary Investigation into Intrastate Switched Access Charges Proposed by Northwestern Bell Telephone Company for its Minnesota Customers, P-421/CI-85-352.

ORDER

1. Within 20 days of the date of this Order, U S WEST shall file an answer and comments in response to the amended complaint and motion filed by AT&T on April 10, 1992. U S WEST shall serve copies of its answer and responsive comments on the attached service list.
2. Within 20 days of U S WEST's filing, interested persons shall file their comments on AT&T's complaint, AT&T's motion, U S WEST's response, and the appropriate procedural vehicle for determining the issues in this proceeding. Interested persons shall serve copies of their filings on the attached service list.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)