

P-999/CI-89-477 ORDER REQUIRING PERIODIC REPORTS ON STATUS OF  
NEGOTIATIONS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner
Norma McKanna	Commissioner
Darrel L. Peterson	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: January 3, 1992  DOCKET NO. P-999/CI-89-477  ORDER REQUIRING PERIODIC REPORTS ON STATUS OF NEGOTIATIONS
---	---

**PROCEDURAL HISTORY**

On October 23, 1989, the Commission initiated an investigation upon petition by the Residential Utilities Division of the Office of the Attorney General (RUD-OAG) into the restriction of access to interstate information services. The Commission was concerned about complaints that unrestricted access to 900, 700, and interstate 976 information services had resulted in unauthorized calls made by minors, the emotionally disturbed, and others incapable of entering a valid contract to the financial detriment of innocent subscribers.

On March 19, 1990, the Commission approved a settlement agreement between the RUD-OAG and U S West Communications, Inc. (USWC), the largest local exchange company in Minnesota. The Commission dismissed USWC from the investigation conditioned upon its compliance with the agreement. In the agreement, USWC promised

1. that within 16 weeks, it would provide blocking of 900 service at no charge for 85% of its customers;
2. that it would provide 900 and 976 blocking to the remaining 15% of its customers as soon as the end-offices serving those customers were upgraded so that blocking became possible;
3. that it would immediately notify 100% of its customers of their access to the new complaint procedures regarding 900 service.
4. that it would not disconnect the local exchange service of any of its customers for nonpayment of charges for 900

service and so state in its filed tariff;

5. that it would assign the costs for making 900 blocking available to the local switching rate element (LS2) of its access service tariff which is paid by interexchange carriers; and
6. that it would finalize with Commission Staff the scope and wording of the Customer Notice to be sent to all its customers and continue responding to requests for information to assist the Commission during the remainder of the Commission's investigation.

On May 14, 1990, the Commission issued an Order approving settlement agreements for the three next largest local exchange companies in Minnesota: Contel of Minnesota, Inc. (currently GTE Minnesota), Central Telephone Company of Minnesota (now Vista Telephone Company of Minnesota), and United Telephone Company of Minnesota. The settlement agreements approved in this Order were similar to USWC's agreement.

On August 23, 1990, the Commission issued an Order approving a settlement agreement with Mankato Citizens Telephone Company (MCTC). The settlement agreement approved for MCTC was similar to USWC's agreement.

On September 13, 1990, the Commission issued an Order approving the settlement agreement with the Minnesota Independent Coalition (MIC). MIC represents all but five of the independent telephone companies, i.e. those serving fewer than 30,000 subscribers within the state.

On July 12, 1991, the Commission approved settlement agreements for all the remaining Minnesota local exchange companies and required the RUD-OAG to file a status report regarding negotiations with long distance companies within 90 days.

On November 26, 1991 the RUD-OAG filed a status report.

On December 17, 1991, the Commission met to consider this matter.

### FINDINGS AND CONCLUSIONS

The RUD-OAG stated that the Federal Communications Commission's (FCC's) initiation of a "900" rulemaking docket interrupted the RUD-OAG's negotiations with the long distance companies. The FCC has now adopted that rule, effective December 1, 1991, which has some preemptive effect on state actions in this matter. The RUD-OAG stated that it intended to resume negotiations with the long

distance companies regarding matters not covered by the FCC rules.

The vast majority of the work of this investigation has been successfully completed. However, the Commission maintains an interest in protecting Minnesota long distance subscribers within the scope of its jurisdiction from the potential excesses related to 900 services. Because negotiations have been so successful to-date in procuring positive results, the Commission will authorize the RUD-OAG to seek to resolve this investigation through continued negotiations with Minnesota's long distance companies and report to it regarding progress in that regard at six and twelve month intervals following this Order.

**ORDER**

1. The Residential Utilities Division of the Office of the Attorney General (RUD-OAG) shall continue this investigation by negotiating with Minnesota's long distance telephone companies.
2. The RUD-OAG shall file a status report regarding these negotiations within six months, and again within twelve months, of this Order. These status reports should contain any requests and recommendations for Commission action that the RUD-OAG deems appropriate.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

(S E A L)