

P-407/CP-90-723 ORDER CERTIFYING POLLING RESULTS, DENYING
PETITION AND CLOSING DOCKET

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 a Petition for Extended Area Service From the Dodge Center to Claremont, the West Concord to the Claremont, and the Dodge Center to the West Concord Exchanges of GTE Minnesota

ISSUE DATE: May 5, 1993

DOCKET NO. P-407/CP-90-723

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PROCEDURAL HISTORY

On September 26, 1990, the Commission received a petition for extended area service (EAS) routes between the Dodge Center, West Concord, and Claremont exchanges served by GTE Minnesota (GTE or the Company). The petition will be referred to as the Dodge Center petition.

On July 12, 1991, the Commission issued its ORDER DENYING PETITION AND REQUIRING FURTHER FILINGS. This Order denied the West Concord/Claremont route due to inadequate traffic between those exchanges but required GTE to file cost studies and proposed rates for the West Concord/Dodge Center and Claremont/Dodge Center routes.

On August 30, 1991, U S West Communications, Inc. (USWC) filed a petition for clarification that it was not an affected telephone company in the Winnebago EAS case, Docket No. P-430/CP-89-930. USWC's filing stated that it should not be considered an affected telephone company in this docket, as well.

On November 8, 1991, the Commission issued its ORDER DEFERRING ACTION in this matter, postponing consideration of the Dodge Center petition until after the Commission had determined whether interexchange companies were "affected telephone companies" for purposes of EAS rate calculation.

On November 21, 1991, the Commission issued its ORDER DETERMINING THE STATUS OF INTEREXCHANGE CARRIERS UNDER MINN. STAT. §237.161 SUBD. 3 (B) (1990). In its Order, the Commission determined that interexchange carriers are not "affected telephone companies" for purposes of EAS ratemaking.

On December 17, 1991, the Commission issued its ORDER ESTABLISHING PROCEDURE TO CONSIDER COST STUDIES AND PROPOSED RATES. In this Order, the Commission directed GTE Minnesota, Inc. (GTE), the telephone company serving the three exchanges involved in this matter, to file revised cost studies and proposed rates.

On May 6, 1992, GTE requested an extension in filing its cost studies and proposed rates.

On May 14, 1992, GTE filed its cost studies and proposed rates and corrected an error in that filing on June 15, 1992.

On June 29, 1992, the Department filed its report and recommendation regarding GTE's cost studies and proposed rates.

On August 21, 1992, the Commission issued its ORDER ADOPTING RATES FOR POLLING in this matter. In the Order, the Commission adopted EAS rates for the Claremont and Dodge Center exchanges (for the proposed Claremont-Dodge Center route) and for the West Concord and Dodge Center exchanges (for West Concord-Dodge Center route). The Commission also directed GTE to cooperate fully with Commission Staff and Commission contractors to expedite the polling of the Claremont and West Concord subscribers.

On September 14, 1992, Terrance Twite filed a letter requesting reconsideration of the Commission's August 21, 1992 Order and further requesting that the Commission postpone the balloting of in this matter pending the resolution of the "affected telephone company" legal question.

On October 2, 1992, Mr. Twite submitted a second letter requesting reconsideration and requesting that the balloting be postponed until the legal process has concluded regarding the "affected telephone company" issue.

On November 24, 1992, the Commission issued its ORDER DENYING REQUEST TO POSTPONE POLLING. In its Order, the Commission maintained the polling requirements of its August 21, 1992 Order.

On April 20, 1993, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

Between February 12, 1993 and April 12, 1993, subscribers in the Claremont and West Concord exchanges were polled to determine whether they supported the EAS routes proposed in this matter. The Commission finds that the polling was properly conducted and recorded. No party alleged irregularities in the process or contested the results.

Claremont to Dodge Center

Approximately 55 percent of the subscribers in the Claremont exchange participated in the polling process. Of the 282 Claremont subscribers voting on the EAS proposed between Claremont and Dodge Center, 80 (28.4 percent) voted in favor and 202 (71.6 percent) voted against. Based on these results, the Commission finds that the proposed Claremont-Dodge Center EAS route does not have adequate subscriber support, as required by Minn. Stat. § 237.161, subd. 1 (2) (1992), to mandate the installation of EAS.

West Concord to Dodge Center

Approximately 60 percent of the subscribers in the West Concord exchange participated in the polling process. Of the 689 West Concord subscribers voting on the EAS proposed between West Concord and Dodge Center, 154 (22.4 percent) voted in favor and 535 (77.6 percent) voted against. Based on these results, the Commission finds that the proposed West Concord-Dodge Center EAS route does not have adequate subscriber support, as required by Minn. Stat. § 237.161, subd. 1 (2) (1992), to mandate the installation of EAS.

Accordingly, the Commission will simply certify the polling results, deny the petition for these routes, and close the docket.

The Claremont and West Concord subscribers should receive official notification of the results of the polling. The Commission will require GTE, the telephone company serving the petitioning exchanges, to notify its subscribers of the polling results.

ORDER

1. The Commission hereby certifies the polling results set forth in the text of this Order.
2. The petition for EAS between the Claremont and Dodge Center exchanges and between the West Concord and Dodge Center exchanges is denied.
3. Within 10 days of the date of this Order, GTE Minnesota, the telephone company serving the petitioning exchanges (Claremont and West Concord), shall submit to Commission Staff a proposed bill-insert type notice of polling results. After receiving Commission Staff approval, GTE shall distribute the bill insert notice to all its subscribers in the Claremont and West Concord exchanges in the earliest possible billing cycle.

4. Within 30 days after it has given notice to all its subscribers in the Claremont and West Concord exchanges, GTE shall notify Commission Staff of that fact in writing and the docket will be closed.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)