

P-421/CP-92-140 ORDER CERTIFYING POLLING RESULTS, DENYING  
PETITION AND CLOSING DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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|----------------------|--------------|
| Don Storm            | Chair        |
| Tom Burton           | Commissioner |
| Marshall Johnson     | Commissioner |
| Cynthia A. Kitlinski | Commissioner |
| Dee Knaak            | Commissioner |

In the Matter of a Petition for  
Extended Area Service from Moose  
Lake to Duluth, Cloquet and  
Carlton

ISSUE DATE: October 8, 1993

DOCKET NO. P-421/CP-92-140

ORDER CERTIFYING POLLING  
RESULTS, DENYING PETITION AND  
CLOSING DOCKET

**PROCEDURAL HISTORY**

On February 18, 1992, subscribers in the Moose Lake exchange petitioned for extended area service (EAS) to the Duluth, Cloquet and Carlton exchanges.

On May 12, 1992, the Commission issued its ORDER REQUIRING COST STUDIES AND PROPOSED RATES in the above-captioned matter. In that Order the Commission found that Moose Lake is adjacent to the Duluth/Cloquet/Carlton local calling area (LCA), and that sufficient traffic volume was sustained between the petitioning exchange and the petitioned LCA. The EAS petition had thus met the first two of three requirements under the EAS statute, Minn. Stat. § 237.161.

On April 13, 1993, the Commission issued its ORDER ADOPTING RATES FOR POLLING.

Between June 30 and August 31, 1993, Moose Lake subscribers were informed of the proposed EAS rate additives and were polled to determine if a majority favored the installation of EAS to the Duluth/Cloquet/Carlton LCA.

The Commission met on September 14, 1993, to consider the results of the polling.

**FINDINGS AND CONCLUSIONS**

Under Minn. Stat. § 237.161, the Commission shall grant a petition for the installation of EAS only if the following three criteria are met:

1. The petitioning exchange is contiguous to an exchange or local calling area to which extended area service is requested in the petition;

2. At least 50 percent of the customers in the petitioning exchange make one or more calls per month to the exchange or local calling area to which extended area service is requested, as determined by a traffic study;
3. Polling by the Commission shows that a majority of the customers responding to a poll in the petitioning exchange favor its installation, unless all parties and the Commission agree that no polling is necessary.

In this case, the Commission has previously determined that the petition has fulfilled the first and second requirements of the EAS statute. The Commission must now determine if the third and final criterion has been fulfilled.

Approximately 73 percent of Moose Lake subscribers responded to the EAS poll. Of those responding, 523 voted in favor of the installation of EAS and 686 voted against it. Since a majority of those responding did not vote in favor of EAS, the petition has failed to meet the third and final criterion under Minn. Stat. § 237.161.

The Commission will certify the polling results, deny the petition, and close the docket.

#### ORDER

1. The Commission certifies the polling results set forth in this Order.
2. The Moose Lake-Duluth/Cloquet/Carlton EAS petition is denied.
3. Within 10 days of the date of this Order, US WEST Communications, Inc. (US WEST) shall submit to the Commission a proposed notice of polling results, in the form of a bill insert. After receiving Commission Staff approval of the proposed notice, US WEST shall notify its Moose Lake customers of the polling results in the earliest possible billing cycle.
4. Within 30 days after it has given notice to Moose Lake subscribers, US WEST shall notify Commission Staff of that fact in writing and this docket will be closed.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Susan Mackenzie  
Acting Executive Secretary

(S E A L)