

ISSUE DATE: May 30, 1996

DOCKET NO. P-438/C-95-1444

ORDER ALLOWING WITHDRAWAL OF COMPLAINT AND APPROVING
SETTLEMENT

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs
Tom Burton
Marshall Johnson
Dee Knaak
Don Storm

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Complaint Against POPP
Telecom Incorporated for Failing to Provide
Rate Information

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PROCEDURAL HISTORY

On December 22, 1995, the Minnesota Department of Public Service (the Department) filed a complaint and request for an Order to Show Cause why Popp Telecom, Inc. (Popp Telecom) should not be found to have knowingly and intentionally violated Minnesota statutes and rules concerning the provision of rate information to the public, and why the matter should not be referred to the Attorney General's Office for recovery of civil penalties.

On April 30, 1996, the Department filed a Motion to Withdraw Complaint and to Withdraw Request for Order to Show Cause by Agreement of the Parties. Included with the Motion were terms of a settlement between POPP Telecom and the Department and a request that the Commission approve the settlement.

On May 21, 1996, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

A. Background

The Department's complaint stemmed from its unsuccessful attempts during a one month period last summer to obtain residential rate information from POPP Telecom by telephone. Subsequent calls to the company did produce the requested information.

B. The Company's Response

The Department reported that POPP Telecom conducted an internal investigation of claims made in the Department's complaint and stated that it did not knowingly and intentionally violate Minnesota statutes and rules concerning the provision of rate information to the public. The Company stated that it had taken steps to insure that service representatives provide such information upon request.

C. Proposed Settlement

POPP Telecom and the Department proposed the following terms and conditions as settlement of this matter:

1. POPP Telecom will prepare and circulate an internal memorandum reminding its employees and managers that the public is entitled to rate information and of the proper procedures in responding to such requests.
2. POPP Telecom admits no liability but agrees as a condition of settlement to pay to the State of Minnesota the sum of \$2,500, payment to be made within 30 days of the Commission's Order.
3. The Department will work with POPP Telecom over the next year to insure compliance with this agreement.
4. The Department will request that the Commission approve the terms of this settlement and allow withdrawal of the Department's filings to close the docket.

D. The Department's Recommendation

The Department stated that it is satisfied that POPP Telecom is currently complying with the laws regarding the provision of rate information and believes that the terms of listed above represent a reasonable settlement of this matter.

E. Commission Action

The Commission finds that the proposed settlement of this matter is reasonable, is supported by substantial evidence, and is consistent with the public interest. Accordingly, the Commission will approve the parties' settlement, direct its implementation, and grant the Department's motion to withdraw its filings in this docket.

ORDER

1. The Settlement proposed by the parties in this matter is approved.
2. The motion of the Minnesota Department of Public Service (the Department) to withdraw its filings in this matter is granted.
3. To the extent that the terms of the Settlement have not already been implemented, the parties shall proceed to implement the terms of the Settlement. For example, POPP Telecom shall pay to the State of Minnesota the sum of \$2,500 within 30 days of the date of this Order.
3. The docket to which this matter has been assigned (Docket No. P-438/C-95-1444) is hereby closed.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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