

ISSUE DATE: August 1, 1996

DOCKET NO. P-999/CI-91-22

ORDER CLOSING DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs
Marshall Johnson
Dee Knaak
Don Storm

Chair
Commissioner
Commissioner
Commissioner

In the Matter of a Commission Investigation
into the Use of "Store and Forward"
Technology in Telephone Equipment
Operated in Minnesota

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PROCEDURAL HISTORY

On July 19, 1993, the Commission issued its ORDER AFTER RECONSIDERATION in this matter. In the Order, the Commission, among other things, directed

- all telephone companies operating in Minnesota (including store and forward providers) to submit annual reports by May 1, 1995; and
- the Minnesota Department of Public Service (the Department) to file (by May 31, 1995) a report indicating whether or not individual providers had complied with the requirements of the Order.

On June 1, 1995, the Commission issued an Order granting the Department additional time to file its report.

On August 29, 1995, the Department filed its compliance report.

Checco Bar and St. Francis True Value

In its August 29, 1995 report, the Department stated that in reviewing the 1994 annual reports, it found two companies (Checco Bar and St. Francis True Value) that, despite the fact that they did not have certificates of authority to provide store and forward service, stated that they are providing this service.

The Department recommended that the two companies be directed to either cease utilizing the store and forward capabilities on their pay telephones at once or file, within 30 days, applications for certificates of authority to provide store and forward service.

On October 9, 1995, the Commission issued its ORDER TO CEASE STORE AND FORWARD OPERATION OR APPLY FOR AUTHORITY. The Commission directed the Checco Bar and St. Francis True Value to adopt one of the two courses of action: stop using the store and forward capabilities of its pay telephones at once and make a written compliance filing with the Commission confirming that it has done so within 15 days of this Order or file

an application for a certificate of authority to provide store and forward service in Minnesota within 30 days of this Order.

In addition, the Commission directed the Department to submit a report to the Commission regarding the companies' compliance with this Order and shall recommend any further appropriate action within 45 days of the Order. ORDER at pages 2-3.

On April 30, 1996, the Department filed its comments stating its belief that neither Checco Bar nor St. Francis True Value Hardware were currently providing store and forward service in Minnesota.

On May 23, 1996, the Commission met regarding the Checco Bar and St. Francis True Value Hardware.

Nine Companies

Also in its August 29, 1995 compliance report, the Department stated that twelve companies, possessing certificates of authority to provide store and forward service, had not filed their annual reports. The twelve companies identified by the Department were: Andchi, Inc., Bauer's Glen Lake Spur, Chaka A. Ali, Computer Assisted Technology, Inc., DDP Communications, Fong's, Inc., Holiday Inn - Drover's, Hubert's, Inc., Robert F. Steinberg, Summit Liquor Store, Inc., The Brake Shop, and The Lotus Restaurant.

In its October 9, 1995 ORDER TO SHOW CAUSE, the Commission found that three of the twelve companies (Bauer's Glen Lake Spur, Hubert's Inc., and Robert F. Steinberg) were no longer out of compliance but directed the nine remaining companies to explain why their certificates of authority to provide store and forward service should not be revoked.

On June 10, 1996, the Department filed its comments regarding the nine companies.

On July 2, 1996, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

A. Checco Bar and St. Francis True Value Hardware

Based on its investigation and contact with Checco Bar and St. Francis True Value, the Department has advised that these two companies are not currently providing store and forward service in Minnesota. The Department recommended, therefore, that the Commission take no further action with respect to Checco Bar and St. Francis True Value in this docket.

B. The Nine Companies

In its June 10, 1996 comments in this matter, the Department reported that the certificates of authority of five of the nine companies had been revoked for failure to file COCOT annual

reports. See Commission's Order dated January 17, 1996 in Docket No. P-666/CT-95-886. Those five companies were: Chaka A. Ali, Holiday Inn - Drover's, The Lotus Restaurant, DDP Communications, and The Brake Shop.

The Department accounted for the four remaining companies as follows:

- three of the four remaining companies do not have store and forward capability: Andchi, Inc., Fong's, Inc., and Summit Liquor Store, Inc.
- the final company (Computer Assisted Technology, Inc.) possesses but does not use this capability

C. Commission Action

The Commission will accept the Department recommendations that the Commission take no further action in this matter and close the docket.

ORDER

1. The Department's recommendation, that the Commission take no further action in this docket, is accepted.
2. This docket is hereby closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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