ISSUE DATE: October 18, 1996

DOCKET NO. P-421/C-96-1098

ORDER FINDING JURISDICTION, DIRECTING ANSWER AND ESTABLISHING COMMENT AND REPLY PERIODS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs	Chair
Marshall Johnson	Commissioner
Dee Knaak	Commissioner
Mac McCollar	Commissioner
Don Storm	Commissioner

In the Matter of a Formal Complaint by Computer Assisted Technology, Inc. Against US WEST Communications, Inc. Regarding the Disconnection of Coin Phone Service

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PROCEDURAL HISTORY

On September 19, 1996, Computer Assisted Technology, Inc. (CAT) filed a formal complaint against US WEST Communications, Inc. (USWC) and served a copy of that complaint upon USWC.

On October 9, 1996, CAT filed a letter to supplement its September 19, 1996 complaint and served a copy of that filing upon USWC.[1]

On October 15, 1996, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

A. CAT's Complaint

CAT alleged, USWC has violated Minn. Stat. § 237.081, subd. 4. Specifically, CAT alleged that USWC has unjustly discriminated against it by 1) not properly accounting for all amounts paid by CAT; 2) disconnecting service prior to the time stated in the disconnection notice; 3) failing to restore all of CAT's service upon receipt of payment; and 4) demanding payment of reconnection fees proceeding from unlawful disconnection of service.

In addition, CAT alleged that USWC has violated Minn. Stat. § 237.121 in that USWC has

[1] The Commission finds that the record is not ripe with respect to the requests for relief made in this supplementary filing. Accordingly, the Commission will not address those requests at this time.

threatened to permanently disconnect service to CAT without Commission approval.

For relief, CAT requested that the Commission

- find that USWC illegally disconnected service to CAT;
- find that USWC's failure to promptly reconnect service was illegal; and
- order USWC to compensate CAT for damages resulting from the disconnection of service.

B. Commission Analysis

The Commission reviews formal complaints pursuant to Minn. Rules 7829.1800, subp. 1 to determine if the Commission has jurisdiction over the complaint and if there are reasonable grounds to investigate the allegation.

Minn. Stat. Chs. 216A and 237 give the Commission broad authority to regulate companies offering telecommunications services in Minnesota. In general, the Commission regulates telephone companies and telecommunications carriers and the services they provide. Telephone companies and carriers are defined in Minn. Stat. § 237.01, subds. 2 and 6. While the degree of regulation differs for each type of company, both types are regulated and need certificates of authority to operate in Minnesota.

The specific statute relevant to the Commission's preliminary analysis of CAT's complaint is Minn. Stat. § 237.081, subd. 1a (1994) which states in pertinent part:

> Upon a complaint made against a telephone company by any other provider of telephone service,..., that any of the ...charges,...or... practice, act, or omission...relating to the...furnishing of telephone service...is in any respect unreasonable..., the commission, after notice to the telephone company, shall investigate the matters raised by the complaint.

CAT and USWC are both providers of telephone service. CAT was granted authority by the Commission on September 14, 1993 in Docket No. P-1871/CT-93-685 to provide payphone service and has been purchasing local exchange service from USWC in order to provide payphone service since approximately August 1995.

CAT's formal complaint alleged that USWC, a telephone company, has violated several Minnesota Statutes to the detriment of CAT. In effect, these allegations are that USWC's charges and acts are "unreasonable" within the meaning of that phrase in Minn. Stat. § 237.081, subd. 1a (1994).

As such, CAT's complaint meets the criteria established in Minn. Stat. § 237.081, subd. 1a (1994). In addition, the specificity of CAT's allegations provide a reasonable basis to conclude that there is adequate reason (good cause) to investigate this matter further, as

required by Minn. Rules, Part 7829.1800, subp. 2.

The Commission's investigation is guided by Minn. Rules, Part 7829.1800, subp. 2 which states, in part:

> On concluding that it has jurisdiction over the matter and that investigation is warranted, the commission shall serve the complaint on the respondent, together with an order requiring the respondent to file an answer . . .

Applying the relevant rules and statutes to the facts at hand, it is clear that the Commission not only has jurisdiction over the complaint but is required by the statute to investigate the matters raised in the complaint.

In light of the fact that it has received actual notice of CAT's complaint and supplementary filing and desires to resolve this matter expeditiously, USWC has waived its right under Minn. Rules, Part 7829.1800, subps. 2 to the full 20 days to prepare its answer and has agreed to a 15-day filing deadline for its answer. Consistent with the need to move expeditiously to resolve this matter, the Commission finds good cause (pursuant to Minn. Rules, Part 7829.3100) to vary the initial comment period under Minn. Rules, Part 7829.1900, subp. 2, reducing it from 30 to 25 days following this Order. Reply comments will remain 10 days from the expiration of the initial comment period to file reply comments pursuant to Minn. Rules, Part 7829.1900, subp. 3.

C. Commission Action

Accordingly, the Commission will

- formally serve a copy of the complaint (and supplement to that complaint) on USWC as required by Minn. Rules, Part 7829.1800, subp. 2 and direct USWC to file an answer to those filings within 15 days of service date of this Order;

- allow interested parties to submit initial comments within 25 days of this Order; and

- allow interested parties that submitted initial comments to submit reply comments within 10 days of the end of the initial comment period, pursuant to Minn. Rules, Part 7829.1900, subp. 3.

ORDER

1. Within 15 days of the service date of this Order, U S WEST Communications, Inc. (USWC) shall file an answer to the complaint (filed 9/19/96) and the supplement to the complaint (filed 10/9/96). A copy of each of these documents is attached and formally served upon USWC herewith.

2. Within 25 days of the service date of this Order, interested parties shall submit initial comments.

3. Within 10 days of the end of the initial comment period established in Ordering Paragraph 2, interested parties that submitted initial comments may submit reply comments.

4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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