

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Edward A. Garvey

Joel Jacobs

Marshall Johnson

LeRoy Koppendrayner

Gregory Scott

Chair

Commissioner

Commissioner

Commissioner

Commissioner

In the Matter of a Petition by U S WEST
Communications, Inc. for Expedited Order
and Rulemaking

ISSUE DATE: March 16, 1999

DOCKET NO. P-421/AM-99-70

ORDER PERMITTING WITHDRAWAL OF
PETITION

PROCEDURAL HISTORY

On January 21, 1999 U S WEST Communications, Inc. (U S WEST or the Company) filed a Petition for Expedited Order and Rulemaking. The petition asked the Commission to exercise its emergency authority to immediately implement, at the state level, federal anti-slamming rules developed by the Federal Communications Commission but not yet legally effective. The Company claimed that "slamming" (changing a customer's telecommunications provider without his or her consent) had become so pervasive that it posed a critical consumer welfare issue.

The Company sought relief in the form of an emergency rulemaking under Minn. Stat. § 14.388 or an industry-wide Order under Minn. Stat. § 237.081. The Company also asked the Commission to open a separate rulemaking or industry-wide docket to explore the possibility that Minnesota consumers needed anti-slamming protections in addition to those in the new federal rules.

On February 8, 1999 AT&T Communications of the Midwest, Inc. filed a motion to dismiss the petition.

On February 11, 1999 the Commission served notice of the petition and a request for comments on potentially interested persons. The Commission also published notice of the petition in its weekly calendar.

Between February 8 and February 22, 1999 the following parties filed comments on the petition: Sprint Communications Company L.P.; the Residential and Small Business Utilities Division of the Office of the Attorney General; the Department of Public Service (the Department); the

Minnesota Senior Federation; Frontier Corporation; Contel of Minnesota, Inc. d/b/a GTE

Minnesota; MCI WorldCom, Inc. and MCI Telecommunications Corporation, filing jointly; the Telecommunications Resellers Association.

On March 9, 1999 the matter came before the Commission. At that time U S WEST withdrew its petition, explaining that the FCC's prompt publication of the rules in the *Federal Register* would make them effective sooner than expected, and probably sooner than the Commission could implement emergency relief.

The Company claimed that intraLATA slamming and customer confusion over intraLATA competition were reinforcing one another, creating critical consumer protection issues. The Company suggested ordering an investigation of both problems by the Department of Public Service, perhaps followed by a rulemaking to implement Minnesota-specific remedies identified as necessary in the course of the investigation.

The other parties who spoke at the hearing — AT&T, MCI, the Department of Public Service (the Department), and the Residential and Small Business Utilities Division of the Attorney General's Office (RUD-OAG) — expressed interest in working informally on both problems, beginning with an ongoing RUD-OAG inquiry into carriers' compliance with Minnesota's anti-slamming laws.

FINDINGS AND CONCLUSIONS

No one opposed U S WEST's proposal to withdraw the petition. The Commission finds that the proposed withdrawal does not contravene the public interest, does not prejudice any party, and raises no issues requiring Commission action. The Commission will therefore permit withdrawal.

The Commission is encouraged by the parties' interest in informally examining slamming, cramming¹, and customer confusion issues, building upon the RUD-OAG's ongoing inquiry into carriers' compliance with anti-slamming laws. It is hoped that lending the imprimatur of the Commission and the Department to this inquiry (and to the parties' larger efforts) will promote cooperation and speed closure. As the Commission noted at hearing, its professional staff is available as necessary and appropriate to facilitate the parties' efforts.

ORDER

1. U S WEST Communications, Inc.'s request to withdraw its Petition for Expedited Order

¹ "Cramming," also known as "loading," is an informal term for the practice of adding services to a customer's account without his or her consent. This, too, has been a recurring problem in the new competitive era and is prohibited under Minn. Stat. § 237.663.

and Rulemaking is granted; the petition is hereby withdrawn.

2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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