

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Edward A. Garvey	Chair
Joel Jacobs	Commissioner
Marshall Johnson	Commissioner
LeRoy Koppendrayer	Commissioner
Gregory Scott	Commissioner

In the Matter of a Complaint Filed by James
Jacobs and a Complaint Filed by Clifford
Fisher against Sherburne County Rural
Telephone Company

ISSUE DATE: May 27, 1999

DOCKET NO. P-427/C-94-68

ORDER DENYING RECONSIDERATION

PROCEDURAL HISTORY

On August 2, 1994, the Commission issued its ORDER REQUIRING INTERCONNECTION, PROVISION OF SERVICE, AND INQUIRY INTO LINE CHARGES in the above-captioned proceeding. In that Order the Commission addressed service complaints raised by James and Susan Jacobs and Clifford Fisher against Sherburne County Rural Telephone Company (SCRTC). Both complainants charged that SCRTC had refused to provide service to their rural properties after the complainants had placed cable extensions from their premises to points near SCRTC's pedestals.

In the Order, the Commission required SCRTC to connect its facilities with the Fisher cable at an identified demarcation point, to begin providing telephone service to the Fishers over the joined facilities, and to file a compliance report with the Commission. Because Mr. and Mrs. Jacobs were not currently using the property which had been the topic of dispute with SCRTC, the Commission deferred consideration of their complaint. The Commission ordered SCRTC to file a cost study and market analysis to support its line installation charges, and asked the Department of Public Service (the Department) to investigate the charges and to file a report and recommendations.

On August 23, 1994, SCRTC filed a petition for reconsideration. SCRTC asked the Commission to reconsider its requirement that SCRTC connect its facilities with the Fishers' cable at a set demarcation point. SCRTC claimed that the Fishers were not certified installers, as required by the Minnesota Electrical Act; that the connection would be contrary to Rural Electrification Administration (REA) specifications; and that the Fishers would fail to properly ground their wire and thus pose a hazard to themselves and the SCRTC system.

Between August 25 and October 11, 1994, the Jacobs complainants and the Department filed comments. The Department stated that the Minnesota Electrical Act allows an unlicensed homeowner to place cable on the homeowners' property; that the Commission's Order is not contrary to REA requirements; and that there was no reason to claim that the Fishers would improperly ground their cable.

On March 1, 1995, SCRTC filed reply comments.

On July 25, 1995, Sharleen and Bruce Mitchell filed a complaint, stating that SCRTC had initially refused to provide service because the complainants wished to install their own telephone cable along their private driveway.

Between August 3 and September 21, 1995, Commission and Department Staff investigated these complaints further. The investigation included an on-site inspection of the Fisher and Mitchell properties.

On February 23, 1999, the Commission sent a notice to all interested parties, requesting updates to their filed positions.

On March 18, 1999, SCRTC, now known as Connections, Etc. (Connections, or the Company) responded that it had not altered its position since filing its request for reconsideration. The Company noted that Clifford Fisher's service was disconnected in August, 1996. The Jacobs and Mitchell properties have been receiving SCRTC service since 1990 and 1995, respectively.

On March 25, 1999, Mr. and Mrs. Jacobs filed a letter stating that, since the time of the complaint, they have been receiving satisfactory service from Connections through the line the complainants installed. If Connections was now requesting the Jacobs to disconnect their line and pay for installation by Connections, the Jacobs wished to renew their complaint.

The Mitchells did not respond.

On March 26, 1999, the Department filed comments recommending the Commission deny Connections' request for reconsideration. The Department disagreed with Connections' assertion that the Jacobs' installation was unsafe or that it jeopardized the Company's system. The Department stated that the Jacobs' installation may actually be even safer than the typical utility installation.

On March 30, 1999, the Jacobs complainants provided pictures of their premises installation and a copy of a letter from a customer service technician from TDA Telecom, Monticello, Minnesota. The technician stated that he had inspected the Jacobs installation and had found it well-grounded and compliant with Rural Electric Association specifications.

On May 18, 1999, the matter came before the Commission for consideration. At the meeting, Connections requested a Commission Order authorizing it to inspect the Jacobs property. If the cable installation were consistent with industry standards, Connections would incorporate the Jacobs facility into its system and assume responsibility for maintenance, repair, and Gopher One-Call registration. If the system were not up to industry standard, Connections would work with the customer to update the system and, if necessary, improve it. Connections' continuation of service would be contingent upon its ability to inspect the system and also the customer's granting the Company an easement across the part of the Jacobs property the Company must cross to reach the premises facility. If these conditions were not fulfilled, Connections would disconnect service.

The Department responded that the Company had not communicated with the Jacobs, inspected the property, or shown any proof of safety violations. The Department noted that Connections had not come forward with evidence that the Jacobs' cable installation was unsafe or threatened

the Company's system, or that the Commission's August 2, 1994 Order was in any way inappropriate or incorrect.

FINDINGS AND CONCLUSIONS

The Commission agrees with the Department that Connections has failed to show that the Commission's August 2, 1994 Order should be reconsidered. Since 1990, the Company has been providing, and the Jacobs have been receiving, continuous, incident-free, reliable telephone service. Without citing any change in circumstance, Connections now asks the Commission to reconsider its 1994 Order, and to make Connections' continued provision of service contingent upon a number of actions by the Jacobs, including the grant of an easement over a portion of their property.

Connections conjectures that the Jacobs facility poses a threat to safety and system reliability; the conjecture is unsupported by evidence. The Company's unsupported theory does not persuade the Commission to reopen its 1994 decision or to render conditional Connections' duty to provide adequate and reasonable telephone service to the public. Minn. Stat. § 237.06. The Commission will deny Connections' petition for reconsideration. Should the Company in the future have any proof that the Jacobs' installation poses a threat to the homeowners or the general public, Connections is free to raise that matter with the Commission at the time.

ORDER

1. The Connections, Inc. petition for reconsideration is denied.
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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