

ISSUE DATE: July 24, 2000

DOCKET NO. P-999/CI-99-1665

ORDER GRANTING RELIEF FROM ASSESSMENTS AND CHANGING DOCKET
NUMBER

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Gregory Scott
Edward A. Garvey
Joel Jacobs
Marshall Johnson
LeRoy Koppendrayner

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Commission Initiated
Investigation into U S WEST Communications,
Inc.'s Costs Related to Provision of Line
Sharing Service

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PROCEDURAL HISTORY

On December 3, 1999, the Commission issued its ORDER ADOPTING TERMS AND CONDITIONS FOR PROVISION OF LINE SHARING IN MINNESOTA AND INITIATING COST PROCEEDING in Docket Number P-999/CI-99-678. Among the decisions made in that Order, the Commission accepted the request of the parties that the Commission initiate a proceeding to determine the pricing issues relevant to U S WEST Communications, Inc.'s (USWC) provision of line sharing services in Minnesota. This contested case was assigned Docket Number P-421/CI-99-1665.¹ This docket number would result in U S WEST Communications, Inc., telephone company P-421, being billed all of the state agencies' costs of this proceeding.

On January 25, 2000, USWC objected to the docket number, P-421/CI-99-1665 being assigned by the Commission to this case. USWC argued that this docket addressed concerns of multiple parties and the costs should not be borne solely by USWC.

On March 30, 2000 the Commission issued its ORDER CHANGING THE DOCKET NUMBER AND ADJUSTING ASSESSMENTS. This Order changed the docket number in this case to P-999/CI-99-1665. This Order also allocated the assessments associated with this case among the parties. USWC was assessed one-half of the costs associated with this docket. The remaining portion of the costs associated with this docket was to be shared equally among the other parties.

On March 30, 2000, MCI WorldCom (MCIW) withdrew as a party to the proceeding.

On April 27, 2000, MCIW submitted comments clarifying its withdrawal and requesting that the Commission issue an Order relieving MCIW of any obligation to pay fees associated with this

¹In the Matter of a Commission Initiated Investigation into U S WEST Communications, Inc.'s Costs Related to Provision of Line Sharing Service.

docket.

On May 1, 2000, the Commission issued a Notice asking if any other parties wished to withdraw from the proceeding and be relieved of assessment obligations. Parties were requested to indicate the date they would like to be relieved of assessment obligations. Any party objecting to withdrawals or assessment relief was requested to file reply comments.

On May 3, 2000, and May 15, 2000 AT&T Communications of the Midwest, Inc. (AT&T) and Onvoy, respectively, petitioned to withdraw from the proceeding and for relief from assessments. On May 12, 2000, MCIW reaffirmed its previous request. No objections to these requests were filed.

On June 28, 2000, this matter came before the Commission.

FINDINGS AND CONCLUSIONS

I. Position of the Parties

A. MCI WorldCom

MCIW petitioned the Commission to intervene in this case on or about January 10, 2000. At that time this contested case was assigned a P421 docket number, a number which would result in USWC being billed the costs in this proceeding. MCIW had no reason to believe that the docket number would change. However, on March 30, 2000, the same day that the Commission issued its *Order Changing the Docket Number and Adjusting Assessments*, MCIW withdrew from the proceedings.

MCIW indicated that this was not a situation where a company entered a case knowing that costs would be assessed to them and then was attempting to avoid paying those costs. Rather, this was a situation where MCIW entered believing USWC would be paying the costs. As soon as MCIW learned of the change, MCIW withdrew. MCI argued that it withdrew prior to becoming a party to the P-999 docket and for this reason should not have to pay any costs associated with it. In the alternative, MCIW requested that it not be assessed any costs associated with this case after its March 30, 2000 withdrawal.

B. AT&T

AT&T argued, in its May 3, 2000 request for withdrawal, that it had no intention of filing testimony or participating in the hearing in this proceeding. It requested that it be relieved of any obligations to pay costs in this proceeding after May 3, 2000.

C. Onvoy

On May 15, 2000, Onvoy requested to withdraw from this case indicating it had not been active in this case and did not intend to file testimony or participate in the hearing in this proceeding. Onvoy asked to be removed from any obligations to pay costs from the inception of the case.

II. Commission Action

The Commission recognizes that Onvoy, AT&T and MCIW each intervened in this matter at the time when the parties would not have been assessed costs in this matter, as USWC would have been responsible for all costs. When the Commission clarified that USWC would be assessed fifty percent of the costs and the other fifty percent would be divided between the remaining parties, each of these companies requested to withdraw. Furthermore, for the most part these parties have had no participation in this matter from its inception. Allowing withdrawal and relief from assessments under these circumstances seems fair and reasonable. For these reasons the Commission will grant relief from assessment obligations from the beginning of this proceeding.

In order to clarify the allocation of assessments, the Commission will further order that the docket number be changed to include each company subject to assessments, as set forth in the Ordering paragraphs below. The allocation of the assessments will remain as directed in the Commission's March 30, 2000 Order,² with USWC paying 50 percent and the remaining 50 percent being divided equally between the remaining parties.

ORDER

1. The Commission accepts the withdrawal of and relieves MCIW, AT&T and Onvoy of assessment obligations from the beginning of the proceedings In the Matter of a Commission Initiated Investigation into U S WEST Communications, Inc.'s Costs Related to Provision of Line Sharing Service.
2. The docket number shall be changed to P-5692,5710,5827,5638,5670,466,421/CI-99-1665.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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² *Order Changing the Docket Number and Adjusting Assessments.*