

Service Date: December 31, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER of the Investigation) UTILITY DIVISION
of Mountain Bell's Service in the) DOCKET NO. 88.5.12
Lavina Exchange.) ORDER NO. 5347a

FINAL ORDER

APPEARANCES

FOR THE LAVINA EXCHANGE:

Robert A. Nelson, Montana Consumer Counsel, 34 West Sixth
Avenue, Helena, Montana 59620

FOR MOUNTAIN BELL:

Dennis R. Lopach, U.S. West Communications, P.O. Box 1716,
Helena, Montana 59624

FOR THE COMMISSION:

Ivan. C. Evilsizer, Staff Attorney, 1701 Prospect Avenue,
Helena, Montana 59620

FOR THE COMMISSION:

DANNY OBERG, Presiding Commissioner

FINDINGS

On November 23, 1987 the Montana Public Service Commis-
sion (Commission) received a Petition from 69 residents of the

town of Lavina, Montana requesting a formal investigation of the telecommunications service provided by U.S. West Communications (USWC) in the Lavina exchange, and the installation of Automatic Number Identification. On January 4, 1988 the Commission received a letter from USWC in response to the Petition.

On July 11, 1988 the Commission issued Order No. 5347 requesting additional information from USWC and directing Commission staff to set the matter for hearing.

A duly noticed public hearing was held in this matter on October 4, 1988 at 2:00 p.m. and 7:30 p.m. at the Senior Citizens Center in Lavina, Montana. Mr. Frank Cooper testified for USWC. Mr. Gerry Anderson of Mid-Rivers Telephone Cooperative, Inc. testified. A number of public witnesses also testified.

Following the hearing, USWC agreed to take certain corrective and investigative actions concerning the Lavina service.

On August 2, 1991 the parties of record in this proceeding were informed that if no motion or comments were filed by August 23, 1991 this Docket could be closed without further action.

The Commission notes that a new digital switch was installed by USWC in the Lavina Exchange in November of 1991.

CONCLUSIONS OF LAW

USWC is a public utility offering regulated telecommunications service in Montana. § 69-3-101, MCA. The Commission has the authority to supervise, regulate and control public utilities.v 69-3-102, MCA.

The Commission has the authority to proceed and make such investigation deemed appropriate upon a complaint made against any public utility. §69-3-321, MCA.

The PSC has provided adequate public notice and opportunity to be heard herein. Montana Administrative Procedure Act.

ORDER

IT IS HEREBY ORDERED that based upon agreements and developments in this case since the hearing and the lack of any further prosecution by the parties, this Docket is closed.

Done and Dated this 16th of December, 1991 by a vote of 5 -
0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

BOB ANDERSON, Commissioner

JOHN B. DRISCOLL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.