

Service Date: April 25, 1989

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

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IN THE MATTER of the Application ) UTILITY DIVISION  
of U S West Communications for ) DOCKET NO. 89.3.2  
Forbearance of Regulation. ) ORDER NO. 5407

FINAL ORDER

FINDINGS OF FACT

On March 2, 1989 US West Communications (USWC) filed an application with the Montana Public Service Commission (PSC) requesting forbearance of regulation for toll service to D.A. Davidson and Company pursuant to < 69-3-808, MCA.

On March 8, 1989 at a duly noticed worksession announced at the PSC's regular agenda meeting on March 6, 1989, the PSC DENIED the application on the grounds that it was incomplete and deficient in the following respects:

- a. The application does not clearly state which D. A. Davidson offices the application is for, and therefore does not contain a complete description of the alterna-

tive service offered and the market area, as required by ARM 38.5.2715(1)(f).

- b. The application simply states that a request has been "made available" to MCI Communications and Telesphere International. It does not explicitly state which companies are offering D. A. Davidson "similar alternative services" and thereby fails to comply with the requirements of ARM 38.5.2715(1)(e) and 69-3-808(2), MCA.
- c. The application is not verified as required by Section 69-3-808(2), MCA and ARM 38.5.2715.
- d. The application does not describe the facilities to be used to offer the service as required by ARM 38.5.2715(1)(b).
- e. The Applicant, U S West Communications has not established that a viable competitive offer exists in satisfaction of its burden pursuant to ARM 38.5.2715(2); or that similar service is in fact being offered to D. A. Davidson by other parties as required by Section 69-3-808(3).

A Notice of Commission Action was issued and served on March 10, 1989.

CONCLUSIONS OF LAW

1. USWC offers regulated telecommunications services in the state of Montana and is a public utility pursuant to § 69-3-101, MCA. The Commission has authority to supervise, regulate and control public utilities. § 69-3-102, MCA.

2. USWC's application for forbearance of regulation pursuant to § 69-3-808, MCA, was denied by the PSC on March 8, 1989 for failure to comply and fulfill the requirements of said statute and ARM 38.5.2715.

ORDER

1. The denial of USWC's application requesting forbearance of regulation for toll service to D. A. Davidson & Company is hereby affirmed.

2. This Docket is hereby closed.

Done and Dated this 24<sup>th</sup> day of April, 1989 by a vote of  
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BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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CLYDE JARVIS, Chairman

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JOHN B. DRISCOLL, Commissioner

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HOWARD L. ELLIS, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

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DANNY OBERG, Commissioner

ATTEST:

Ann Purcell  
Acting 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.