

Service Date: December 5, 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 Request of)	UTILITY DIVISION
U S West Communications that)	
LocatorPlus Service be Considered)	DOCKET NO. 89.4.8
a Non-regulated Service.)	ORDER NO. 5438

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FINAL ORDER CLOSING DOCKET

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FINDINGS

On March 29, 1989 US West Communications (USWC) filed a request with the Montana Public Service Commission (MPSC or Commission) to offer a new product called "LocatorPlus" on a deregulated basis. LocatorPlus is a service that would bring customer name, address and telephone number information directly to customers through their own computer equipment.

On April 7, 1989, at a duly noticed work session, the Commission rejected the USWC LocatorPlus request on the grounds that USWC had failed to comply with ARM 38.5.2705(1)(e). See Notice of Commission Action served April 11, 1989. USWC subsequently corrected the deficiency by filing the required affidavit.

On June 8, 1989 USWC consented to a one week extension (until June 16, 1989) for the Commission to take action on the LocatorPlus filing pursuant to ARM 38.5.2707.

On June 13, 1989, at a duly noticed work session, the Commission decided to set this matter for hearing. See Notice of Commission Action, served June 16, 1989. A Notice of Hearing was subsequently issued, setting this matter for public hearing on October 11, 1989.

On October 4, 1989 USWC filed a motion to withdraw its LocatorPlus filing. On October 10, 1989, at a regular Agenda meeting, the Commission granted USWC's motion and vacated the hearing date.

CONCLUSIONS OF LAW

1. USWC provides regulated telecommunications services within the state of Montana and is a public utility under the regulatory jurisdiction of the MPSC. § 69-3-101, 69-3-803(3), MCA.

2. The MPSC is invested with full power of supervision, regulation and control of public utilities. § 69-3-102, MCA.

3. The MPSC shall have primary jurisdiction to determine if a telecommunications service is regulated. ARM 38.5.2707.

4. The MPSC has provided adequate public notice and an opportunity to be heard herein, pursuant to the Montana Administrative Procedure Act and Title 69, MCA.

ORDER

1. USWC's motion to withdraw its request to deregulate LocatorPlus is GRANTED.

2. This docket is closed.

Done and Dated this 4th day of December, 1989 by a 5-0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

DANNY OBERG, 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.