

Service Date: October 1, 1990

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

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IN THE MATTER of Touch America's)	UTILITY DIVISION
Application for Ruling Regarding)	
Proprietary Information Provided)	
by US West Communications Pursuant)	DOCKET NO. 90.3.22
To Protective Order RE: Alternative)	
Regulation/Revenue Sharing Plan.)	ORDER NO. 5503

ORDER GRANTING DISMISSAL

FINDINGS

On March 22, 1990 Touch America, Inc. (TA) filed a request with the Montana Public Service Commission (Commission) for review of the Protective Order issued by the Commission with respect to the proprietary information submitted by U.S. West Communications (USWC) in conjunction with certain informal alternative regulation meetings.

A Procedural Order was issued in this docket on July 2, 1990 setting a hearing date on September 11, 1990.

The office of the Montana Consumer Counsel filed a Petition to Intervene on July 10, 1990.

On July 16, 1990 TA and USWC submitted a joint "Stipulation for Dismissal" requesting dismissal of this proceeding.

CONCLUSIONS OF LAW

USWC is a public utility offering regulated telecommunications services in the state of Montana. §§ 69-3-101 and 69-3-803, MCA.

The Commission has authority to supervise, regulate and control public utilities. § 69-3-102, MCA.

The Commission properly exercises jurisdiction over USWC's Montana operations pursuant to Title 69, Chapter 3, MCA.

A contested case may be resolved by stipulation, agreed settlement, consent order or default. § 2-4-603, MCA.

ORDER

WHEREFORE, the Commission hereby orders that:

1. Pursuant to the stipulation of TA and USWC, this proceeding is hereby dismissed without prejudice.
2. This order makes no findings or conclusions whatsoever with respect to the merits of TA's request or the status of the proprietary information in question.

Done and Dated this 24th day of September, 1990 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

JOHN B. DRISCOLL, Commissioner

REX MANUEL, 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.