

Service Date: September 13, 1990

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

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IN THE MATTER of Contemplated	)	UTILITY DIVISION
Rulemaking for Alternative	)	
Regulation of Telecommunications	)	DOCKET NO. 90.8.46
Local Exchange Carriers.	)	ORDER NO. 5495

PROCEDURAL ORDER

On August 8, 1990 the Montana Public Service Commission issued a Proposed Notice of Inquiry inviting comments on the appropriate form and contents of a Notice initiating an investigation of alternative forms of regulation for telecommunications local exchange carriers (LECs). Comments were received from the Montana Consumer Counsel and the Telephone Exchange Carriers of Montana. A final Notice of Inquiry initiating an informal rulemaking proceeding is being issued concurrently with this Procedural Order.

On August 10, 1990 a Proposed Procedural Order was issued in this Docket. U.S. West Communications was the only party which filed comments.

Pursuant to the Administrative Rules of Montana, the Commission hereby issues this order setting forth the procedures to be followed in this Docket:

In this Order the term "parties" includes all persons or entities who have intervened in this Docket pursuant to the procedure outlined in ARM 38.2.2401 et seq. Individuals or entities are not parties unless they have been granted intervention by the Commission.

Copies of all comments, pleadings, motions and briefs shall be filed with the Commission and served on all parties. The original and ten copies shall be filed with the Commission. Service upon the parties shall be upon the parties' attorney of record and such other individuals as may be reasonably designated by the attorney of record. All documents filed with the Commission must be punched for a standard 3-hole binder.

This proceeding shall be conducted as an informal inquiry pursuant to § 2-4-304, MCA, to investigate the desirability and merits of possible rulemaking regarding alternative forms of regulation for telecommunications local exchange carriers in Montana. Section 2-4-304, MCA, permits an agency to use informal conferences and consultations as a means of obtaining the viewpoints and advice of interested persons with respect to contemplated rulemaking. At some later date during this proceeding, the PSC may also appoint committees of experts or interested persons or representatives of the general public to advise it with respect to contemplated rulemaking. The powers of the committees, however, shall be advisory only. As provided in § 2-4-304(3), MCA, this informal proceeding does not relieve the PSC from following the formal rulemaking procedures required by Title 2, Chapter 4, Part 3 of the Montana Code, prior to the adoption of any rules.

#### Schedule

The following schedule shall be followed in Docket No. 90.8.46. The PSC may supplement or amend this schedule as appropriate by Commission or Commission staff action. Satellite hearings may also be scheduled to receive public comment at various locations throughout the state.

All dates listed in the following schedule are mailing dates. Parties must mail material by the most expeditious method available at reasonable cost. Material sent from outside Montana on the last date allowed must be sent by Express Mail.

- a. October 4, 1990: Written comments due from all parties.
- b. October 29, 1990: First day of Informal Conference.

A filing schedule for reply comments will be set at the conclusion of the Conference.

Intervention

Interested parties who wish to participate in this docket should file a Petition to Intervene pursuant to ARM 38.2.2401 et seq. on or before October 1, 1990. Parties seeking to intervene after said date must file a Petition for Late Intervention pursuant to the above cited rules.

Expert Appearance List

At least seven (7) days before the Informal Conference, each party shall provide the Commission with a complete list of persons who will appear and participate on behalf of that party at the Informal Conference. A copy of the list must be served on all other parties.

Done and dated this 7th day of September, 1990 by a 5-0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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HOWARD L. ELLIS, Chairman

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DANNY OBERG, Vice Chairman

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JOHN B. DRISCOLL, Commissioner

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REX MANUEL, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck  
Commission Secretary

(SEAL)