

Service Date: April 1, 1992

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

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IN THE MATTER OF the Tariff Filing)	UTILITY DIVISION
of US West Communications for the)	
Introduction of Message Delivery)	DOCKET NO. 91.1.13
Service and Message Waiting)	
Indication-Audible Service.)	ORDER NO. 5614

FINAL ORDER

On January 15, 1991 US West Communications, Inc. (USWC) filed tariff pages for the introduction of Message Delivery Service (MDS) and Message Waiting Indication-Audible Service (MWIAS).

MDS is an Open Network Architecture (ONA) service that allows a customer to forward calls to an Enhanced Service Provider (ESP) for processing, e.g., a customer could have telephone calls forwarded to an answering service. MDS, as a Call Number Identification (CNI) service, also forwards call-related information identifying the telephone numbers of the called (presumably the MDS customer) and calling parties, with the limitation that the calling number cannot be identified on inter-office calls.

The primary application of MDS is in conjunction with voice messaging, a service that allows customers to receive recorded telephone messages. The identification of the calling party's telephone number by MDS would allow an MDS customer to access his/her voice messaging "mailbox" without having to dial-in an identifying telephone number. In this regard,

MWIAS is an audible signal initiated by an ESP to indicate to a voice messaging customer that messages are waiting. A customer must subscribe to MDS in order to obtain MWIAS.

On August 22, 1991 the Montana Public Service Commission (Commission) conducted a hearing on the privacy and public interest issues surrounding MDS, including CNI and the unauthorized disclosure of a calling party's telephone number. AT&T Communications (AT&T), Montana Consumer Counsel (MCC), and USWC were the only parties appearing before the Commission at this proceeding.

On February 25, 1992, AT&T, MCC, and USWC filed a stipulation with the Commission requesting the approval of MDS on the condition that ESP's receiving MDS call-related information execute a non-disclosure agreement. The stipulation reserved for future consideration all issues regarding CNI, blocking options in conjunction with CNI, public interest issues regarding CNI, legal issues of state action, and the scope and applicability of the right of privacy.

On March 11, 1992 the Commission approved this stipulation with the additional requirement that USWC file with the Commission a copy of every executed non-disclosure agreement. The Commission further approved the use of protective orders for such filings. Finally, the Commission indicated its intent to initiate rulemaking proceedings on privacy in telecommunications.

As ONA services, MDS and MWIAS approval is granted on an interim basis pending Commission determination of the ONA legal and policy issues presented in Docket 90.12.86.

CONCLUSIONS OF LAW

1. US West Communications, Inc. offers regulated telecommunications services in the State of Montana and is a public utility under Section 69-3-101, MCA.
2. The Montana Public Service Commission has authority to supervise, regulate and control public utilities. Section 69-3-102, MCA.
3. Message Delivery Service and Message Waiting Indication-Audible Service are regulated telecommunications services as defined by Section 69-3-803(3), MCA.

4. The Commission has provided adequate public notice and an opportunity to be heard in this Docket. Section 69-3-104, MCA, and the Montana Administrative Procedure Act (Title 2, Chapter 4, MCA).

ORDER

THEREFORE, THE MONTANA PUBLIC SERVICE COMMISSION ORDERS THAT:

1. US West Communication, Inc.'s tariff filing submitted on January 15, 1991 is hereby granted interim approval.
2. US West will file with the Commission a copy of every executed non-disclosure agreement.

Done and Dated this 30th day of March, 1992 by a vote of 4 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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.