

Service Date: September 8, 1998

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

IN THE MATTER OF the)	UTILITY DIVISION
Commission's Investigation of the)	DOCKET NO. 94.2.8
Regulatory Status of Other Common)	
Carriers and Contemplated Rulemaking.)	ORDER NO. 5778h
)	

ORDER CLOSING DOCKET

On January 13, 1998, the Montana Public Service Commission (Commission) met to consider further action in this Docket following the completion of a second three-year experimental period ending in 1997. During the second experimental period, interexchange carriers continued to be regulated according to the modified method of regulation established in Docket No. 88.11.49, Order No. 5548a. As a result of the January 1998 meeting, the Commission's staff conducted a workshop on February 4, 1998 with interested parties to discuss issues concerning the data needed to evaluate the experiment, how the Commission should proceed with that evaluation, and the need for comments.

On February 20, 1998, the Commission issued a Notice of Commission Action requesting written comments from all interested parties. In a work session held on August 4, 1998, the Commission reviewed all comments received and concluded that this Docket should be closed. The Commission further concluded that the present method of regulation for interexchange carriers should continue on a permanent basis.

Several reasons support the Commission's conclusions. First, the 1997 Montana Legislature removed the reseller exemption that had been included in § 69-3-803(3), MCA, thereby subjecting resellers to Commission regulation. Resellers had not been included in the experiment. Any data obtained pursuant to the decisions in Docket No. 94.2.8 would have limited relevance in evaluating all presently regulated interexchange carriers operating in Montana.

Second, the Montana Legislature repealed § 69-3-807(6), which required "equal regulation" of all interexchange carriers and affected the Commission's decisions in Docket Nos. 88.11.49 and 94.2.8. With the passage of Senate Bill 89, there is unequal regulation at present because the Commission waived the tariff filing requirement in § 69-3-805(1)(e), MCA, for all resellers of long distance services. However, the present regulation of other interexchange carriers has worked well since the experiment began and it is reasonable to continue that regulation at this time.

Third, the rapidly changing nature of the telecommunications industry at present may preclude a meaningful review.

Finally, the Commission believes that its limited resources are better used by devoting them to other matters that the Commission must address as a result of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (to be codified as amended in scattered sections of 47 U.S.C.).

The Commission concludes that this Other Common Carrier (OCC) docket needs no further consideration. The Commission will continue to informally monitor market developments in the Montana intrastate long distance market.

ORDER

THEREFORE, based on the foregoing, it is ORDERED that the above docket is closed and may be deleted from case management.

DONE AND DATED this 25th day of August, 1998 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed with ten (10) days. See ARM 38.2.4806.