

Service Date: July 10, 1998

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

* * * * *

IN THE MATTER of the COMPLAINT OF))	
KAREN MURPHY and 340 Petitioners,))	
)	UTILITY DIVISION
Complainants,))	
v.))	DOCKET NO. D95.5.24
)	
CENTRAL MONTANA))	ORDER NO. 6079
COMMUNICATIONS, INC.,))	
)	
Defendants.))	

FINAL ORDER

1. Karen Murphy and 340 other persons, all customers of Central Montana Communications (CMC), filed a Petition with the Montana Public Service Commission (Commission) on May 16, 1995 which detailed numerous service quality problems in CMC's White Sulphur Springs, Montana exchange. CMC filed its Answer to the Complaint on June 15, 1995, generally acknowledging some of the service problems alleged in the complaint existed, stating that it was taking steps to upgrade the network equipment in the White Sulphur Springs exchange, and denying some of the alleged problems existed. The Answer also noted that plans had been underway since April 1994 to provide a fiber optic backbone plant and install a new digital switch.

2. The Commission spoke with representatives of CMC and encouraged CMC to resolve as many of the complaints as possible prior to updating its equipment. The Commission's contacts with some White Sulphur Springs subscribers indicated that some of the issues raised in the complaint had been resolved after the complaint was filed. Other problems stemmed from obsolete central office equipment and could not be remedied until a new switch was installed.

3. CMC has since upgraded its equipment in the White Sulphur Springs exchange, installing a new digital switch, which should have eliminated many of the concerns expressed in the complaint. The Commission left this Docket open in order to monitor the progress of the planned upgrade and its effect on service quality.

4. After the equipment upgrades were completed, the Commission questioned Karen Murphy, the chief complainant, and Verle Rademacher, publisher of the Meagher County news, about the present service quality being provided by CMC. Both advised the Commission that service in the White Sulphur Springs exchange has improved and is now satisfactory. The Commission tentatively concluded that no further monitoring of service quality was required.

5. By March 1998, it appeared that CMC had largely satisfied the issues raised in the formal complaint opened in 1995. In early April, the Commission published a notice in the Meagher County News notifying CMC's White Sulphur Springs subscribers that it intended to close this Docket unless other subscribers expressed contrary opinions and requested a public hearing or a public meeting concerning the service provided by CMC. Subscribers were given ten days to respond after publication of the notice.

6. From an engineering perspective, service quality is much improved since CMC's upgrade to the new digital switch. The Commission is also satisfied that CMC has adequately addressed other issues identified in the complaint and has improved service substantially in these areas as well.

7. The time for making objections has passed with no objections received to closure of this Docket. Further, the allegations of the complaint have been satisfied and it is now appropriate to close the complaint against CMC.

CONCLUSIONS OF LAW

1. Central Montana Communications is a public utility offering regulated telecommunications services in the State of Montana. Section 69-3-101, MCA. The Commission has authority to supervise, regulate and control public utilities. Section 69-3-102, MCA.

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

3. The Commission has provided adequate public notice and an opportunity to be heard to all interested parties in this Docket. Montana Administrative Procedure Act, Title 2, chapter 4, MCA.

ORDER

NOW, THEREFORE, based on the foregoing, it is ORDERED that this Docket is closed, the complaint having been satisfied.

DONE AND DATED at Helena, Montana, this 8th day of July, 1998, by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, 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 within ten (10) days. See ARM 38.2.4806.