

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

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IN THE MATTER OF)	UTILITY DIVISION
Tariff Transmittal QCC03-01)	
by Qwest Communications Corporation)	DOCKET NO. D2003.10.153
Initial Tariff and Price List for Qwest)	
Communications Corporation)	ORDER NO. 6523f

FINAL ORDER ADOPTING INTERIM ORDER 6523C,
APPROVING TARIFF TRANSMITTAL QCC03-01 AND
CLOSING DOCKET

I. Background

1. On October 21, 2003, Qwest Communications Corporation (“QCC”) filed with the Commission an initial tariff and price list applying to the provision of interexchange telecommunications service in Montana as provided by QCC, requesting service to become effective on November 3, 2003.

2. QCC is an affiliate of Qwest Corporation (“QC”), required pursuant to 47 U.S.C. § 272. Qwest Long Distance (“QLD”) is also a Section 272 affiliate of QC. On February 14, 2003, the Commission approved the price lists and tariffs pursuant to which QLD could offer service in Montana.

3. On February 20, 2004 the PSC issued an Order Granting Motion For Reconsideration and Approving Tariff Transmittal QCC03-01 on Limited Interim Basis, Order No. 6523c, in which QCC’s Tariff Transmittal QCC03-01 was approved subject to certain limitations and reservations. See, Order No. 6523c, paragraphs 9 through 12.

4. On April 30, 2004 the PSC issued an Order on Motion for Reconsideration, PSC Order No. 6523e, in which the PSC clarified certain requirements set forth in Order No. 6523c.

5. By Notice of Commission Action issued on June 10, 2004 the PSC approved compliance tariffs and prices lists that were filed in this docket in response to PSC Orders No. 6523c and 6523e.

6. On August 27, 2004 the parties to the docket, QCC and MCC, filed a stipulation with

the PSC in which they agreed that the PSC should adopt the interim order as a final order and approve on a final basis the tariffs set forth as Appendix 1 to the stipulation.

7. A public hearing was held in this matter on December 20, 2004 for purposes of admitting evidence into the record and taking testimony and to provide the public with an opportunity to comment on the proceeding.

II. Findings of Fact

8. The PSC adopts its Interim Order, PSC Order No. 6523c, issued on February 20, 2004, as the Final Order in this docket and approves on a final basis the tariffs set forth as Appendix 1 to the stipulation filed with the PSC by the parties on August 27, 2004.

9. The PSC adopts the provisions of Order 6523c fully in this Order. All of the limitations and reservations contained in Order No. 6523c are adopted as part of the terms and conditions of this Order.

III. Conclusions of Law

1. The PSC has authority to supervise, regulate and control public utilities. Section 69-3-102, MCA. QCC is a public utility offering regulated telecommunications services in the State of Montana. Sections 69-3-101, 803, MCA.

2. Every public utility shall file with the PSC tariffs (schedules) that are in force at the time any service is to be performed by it within the State of Montana. Section 69-3-301, MCA.

3. The rates that QCC is entitled to charge for service in Montana must be just and reasonable, and QCC has the burden of showing that the rates it proposes charging in Montana are just and reasonable. MCA § 69-3-201.

4. A public hearing was noticed and held according to the provisions of the Montana Administrative Procedure Act, and evidence was taken and an opportunity for public comment provided.

5. The PSC adopts on a final basis the Interim Order issued in this docket on February 20, 2004 in PSC Order No. 6523c, and approves on a final basis the tariffs attached as Appendix 1 to the stipulation filed by the parties on August 27, 2004.

V. Order

THEREFORE, based upon the foregoing, it is ORDERED that:

1. The stipulation submitted to the PSC by the parties is approved, and the tariffs attached to the stipulation as Appendix 1 are approved.
2. Interim Order No. 6523c, entered on February 20, 2004, is adopted as the final order in this docket.

DONE AND DATED this 21st day of December, 2004, by a vote of 4 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

BOB ROWE, Chairman (abstaining)

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:
Connie Jones
Commission Secretary

(SEAL)

NOTE: You may be entitled to judicial review in this matter. Judicial review may be obtained by filing a petition for review within thirty (30) days of the service of this order. Section 2-4-702, MCA.