

Service Date: September 19, 1996

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

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IN THE MATTER OF The Investigation	)	
into Subscribers Being Served by	)	UTILITY DIVISION
Ronan Telephone Company in Areas	)	DOCKET NO. D96.4.57
Beyond Exchange Boundaries.	)	ORDER NO. 5913a

**SECOND ORDER REQUIRING TARIFF FILING**

This proceeding was initiated to determine whether Ronan Telephone Company (RTC) should be required to file tariffs to cover its provisioning of basic exchange service to subscribers located outside its exchange boundaries. At a duly noticed work session held on Tuesday, April 9, 1996, the Montana Public Service Commission (Commission), voted to require RTC to file appropriate tariffs for Commission review and approval. RTC filed compliance tariffs as ordered by the Commission in Order No. 5913 dated May 10, 1996, but has refused to resubmit these tariffs reflecting the requirements of Commission staff, exercising delegated Commission authority to approve such compliance filings.

**CONCLUSIONS OF LAW**

1. RTC provides regulated telecommunications service in Montana and thus is a "public utility" as defined in § 69-3-101, MCA. The Commission has jurisdiction of public utilities operating in Montana. Sections 69-3-102, and -302, MCA.

2. RTC is providing basic exchange service, a regulated telecommunications service as defined in § 69-3-803(3), MCA, outside its boundaries without a tariff approved by the Commission. Montana law does not prohibit public utilities from providing regulated telecommunications services beyond their exchange boundaries in any area of the state. A public utility may not provide service outside its approved exchange boundaries, however, without an

approved Commission tariff authorizing rates to charge these customers. *Three Rivers Tel. Coop. v. Mountain Bell*, Docket No. 85.8.34, Order No. 5188 (June, 1986).

Providing service without approved rates and charges outside exchange boundaries is a violation of §§ 69-3-301, and -305, MCA.

### ORDER

1. Ronan Telephone Company's compliance filing is rejected.
2. RTC is directed to file tariffs in accordance with the Commission's previous order in this Docket, reflecting the following changes, and no others, to its most recent compliance filing: (1) Section II.D is to be deleted in its entirety; and (2) the second sentence of Section II.E is to be deleted.
3. RTC is directed to file compliance tariffs with the Commission within 10 days from the service date of this Order, which incorporate the decision herein. Authority to review and approve the compliance tariffs is hereby delegated to the Commission staff.
4. If the compliance tariffs are not filed as directed by this order, RTC must immediately cease providing regulated telecommunications services to all customers outside its exchange boundaries, including the Allentown Restaurant and the Salish-Kootenai Housing Authority.

DONE AND DATED at Helena, Montana, this 17th day of September, 1996, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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NANCY MCCAFFREE, Chair

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DAVE FISHER, Vice Chair

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BOB ANDERSON, Commissioner

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DANNY OBERG, Commissioner

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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 within ten (10) days. See ARM 38.2.4806.