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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE INVESTIGATION INTO THE REVOCATION OF AN EXEMPTION FROM THE COMMISSION’S OPERATOR SERVICES AND PAY TELEPHONE RULES, (IDAPA 31.51.01.102) GRANTED MOUNTAIN PHONE COMPANY WEST, INC. | )  )  )  )  )  )  ) | CASE NO. GNR-T-93-21 |

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| IN THE MATTER OF THE PETITION BY MOUNTAIN PHONE COMPANY WEST, INC.  TO STAY IDAPA 31.51.01.213 AND RECON­NEC­TION OF PAY TELEPHONES AT THE MARSING JOB CORPS. | )  )  )  )  )  ) | CASE NO. GNR-T-95-1  SETTLEMENT STIPULATION AND MOTION TO DISMISS |

COMES NOW the Staff of the Idaho Public Utilities Commission and Mountain Phone Company West, Inc. (MPC West) by and through their respective counsels of record, and submit this Stipulation Settlement for the Commission’s review pursuant to Rules 272-277, IDAPA 31.01.01.272-277.  As outlined in greater detail below, the parties request that the Commission dismiss its investigation of MPC West’s pay telephone operations in Case No. GNR-T-93-21.

PROCEDURAL HISTORY

A.  CASE NO. GNR-T-93-21

In October 1993, the Commission issued an Order to Show Cause directing that MPC West provide a written response why its “0- dialing” exemption should not be revoked.  Pay Telephone Rule 102 requires all pay telephones connected to an operator service provider (OSP) provide direct access to a local exchange operator by dialing “0” unless the Commission grants an exemption, IDAPA 31.51.01.102.  Rule 102 allows the Commission to grant an exemption from the “zero minus” dialing requirement if the OSP can demonstrate that it can direct emergency service agencies to the location of the payphone.  MPC West had previously been granted such an exemption.  The Order outlined a number of instances where the Staff alleged that “0-” calls were routed to MPC West’s OSP (International Pacific), but International Pacific was unable to identify the locations of several payphones.

In December 1993, MPC West responded to the Order explaining that the automatic number identification (ANI) which transfers the payphone’s telephone number and location to the OSP was either working correctly or was malfunctioning but had subsequently been corrected.  The Company noted that it had implemented a more thorough program of testing its pay telephones to prevent future problems.  Staff filed a response disputing the ANI transfer failure.  The Company, in turn, disputed the Staff’s evaluation and testing procedures.  Prolonged settlement negotiations between the Company and the Staff followed.

B.  CASE NO. GNR-T-95-1

On May 15, 1995, MPC West filed a Petition for “immediate stay of IDAPA 31.51.01.213, and reconnection of pay telephones at the Marsing Job Corps.”  This Petition was prompted by the Staff initiating proceedings to disconnect MPC West’s pay telephones at the Marsing Job Corps site for the alleged failure to return coins.  The Staff maintained that this  violation in conjunction with other violations constituted a “pattern of non-compliance.”  A pattern of non-compliance is two separate major violations of the Commission’s Pay Telephone Rules within a three-month period.  IDAPA 31.51.01.213.02.  Pay Telephone Rule 213 permits the Staff to order disconnection of a privately-owned pay telephone if the payphone exhibits a pattern of not complying with the Commission’s rules.  IDAPA 31.51.01.213.

Proceedings on MPC West’s Petition were stayed at the consent of the Company.  At the time Case Nos. GNR-T-93-21 and GNR-T-95-1 were filed, there was some disagreement and misunderstanding between Staff and MPC West regarding the pay telephone performance standards and applicable rules.  After the GNR-T-93-21 case was filed, MPC West has worked with the Staff to ensure compliance with the Commission’s rules and prevent (to the extent possible) pay telephone malfunctions.

Many of the issues raised in MPC’s Petition (Case No. GNR-T-95-1) have been resolved through cooperation between Staff and payphone providers.  The Staff notifies owners of malfunctioning payphones and provides them an opportunity to repair the malfunctioning phones before formal action is taken.  To the extent issues remain, the Staff and MPC West agree these particular issues can be addressed informally rather than in these contested cases.

STIPULATION

In an effort to conclude the above-referenced cases and because the parties have cooperated in resolving most if not all of the underlying issues, the parties agree and stipulate as follows: (1) the Staff recommends dismissal of the Commission’s Show Cause Order in Case No. GNR-T-93-21; and (2) in the event GNR-T-93-21 is dismissed, MPC agrees to withdraw its Petition in Case No. GNR-T-95-1 pursuant to the Commission’s Procedural Rule 67.  IDAPA 31.01.01.067.

RESPECTFULLY submitted this                  day of October 1997.

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vld/N:GNR-T-93-21.dh