(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE REVIEW OF THE ONGOING FUNDING LEVELS FOR THE TELECOMMUNICATIONS RELAY SERVICES PROGRAM. | ))))) | CASE NO. GNR-T-95-4ORDER NO.  26541 |

On October 16, 1995, the Commission issued Order No. 26194 establishing new funding levels for telecommunications relay services (TRS) in Idaho.  Throughout the Order the funding amounts are referred to as “surcharges”, which apparently has caused some confusion for telephone corporations required to make remittances to fund TRS.  For example, some companies have inferred from the Order that TRS payments should appear as a line-item surcharge on their customers’ monthly bills.

The Commission’s Rule of Procedure 326 allows the Commission on its own motion to amend a final Order after providing an appropriate opportunity to interested persons to be heard by evidentiary hearing or written submission.  On July 1, 1996, the Commission issued a Notice of Proposed Amendment to Order No. 26194, and established a 21-day period for interested parties to file comments regarding the proposed amendments to Order No. 26194.  Only GTE Northwest Incorporated filed comments.  After reviewing the comments filed by GTE, we find that Order No. 26194 should be amended to remove all references to “surcharges” in the Order.

The Commission in Order No. 24686, issued January 29, 1993 shortly after implementation of the TRS program, clearly enunciated its position regarding recovery of the TRS remittances by telephone corporations.  At page 3 of Order No. 24686, the Commission stated: “Because the TRS remittance is like any other expense, i.e., part of the cost of doing business, we find that it should not be a separate line item surcharge but should be included in rates.”  This finding is consistent with the language and legislative history of the TRS statutes, Idaho Code, Title 61, Chapter 13.  Accordingly, it is appropriate to amend Order No. 26194 to remove references of TRS remittances as surcharges.

O R D E R

IT IS HEREBY ORDERED that Order No. 26194 is amended to remove references of TRS remittances as surcharges and to reiterate the Commission’s position that TRS payments should not appear as line-item charges on customers’ monthly bills.  The proposed amendments are the following:

Page 1, Paragraph 1, Line 1, sentence reads:

“This Order increases the telecommunications relay services (TRS) surcharge amount from $.01/month/access line (1¢/month/access line) . . .”

Amended to read:

“This Order increases the telecommunications relay services (TRS) remittance amount from $.01/month/access line (1¢/month/access line) . . .”

Page 1, Paragraph 1, Line 4, sentence reads:

“. . .It further increases the surcharge of $.0002/intrastate billed minute . . .”

Amended to read:

“. . .It further increases the amount of $.0002/intrastate billed minute . . .”

Page 1, Background Section, Paragraph 3, Line 7, sentence reads:

“. . . The surcharges were based upon a . . .”

Amended to read:

“. . . These amounts were based upon a . . .”

Page 2, Paragraph 1, Line 10, sentence reads:

“. . . No. 25025, further reducing the surcharge rates effective August 1, 1993 to draw down the . . .”

Amended to read:

“. . . No. 25025, further reducing the rates effective August 1, 1993 to draw down the  . . .”

Page 2, The Commission’s Decision Section, Paragraph 1, Line 4, sentence reads:

“. . . The annual report recommended increases in the surcharge amounts in the fourth . . .”

Amended to read:

“. . . The annual report recommended increases in the funding amounts in the fourth    . . .”

Page 2, Paragraph 1, Line 6, sentence reads:

“. . . Staff recommends increasing the surcharge to . . .”

Amended to read:

“. . . Staff recommends increasing the funding levels to . . .”

Page 2, Paragraph 2, Line 2, sentence reads:

“. . . We must now set the surcharges at levels that will be sufficient for the operation of . . .”

Amended to read:

“. . . We must now set the funding at levels that will be sufficient for the operation of   . . .”

Page 2, Paragraph 2, Lines 7 and 8, sentences read:

“. . . Growth is expected to continue and the surcharge levels recommended by the Staff have taken that into account.  We find the Staff recommended surcharge amounts to be just, reasonable . . .”

Amended to read:

“. . . Growth is expected to continue and the funding levels recommended by the Staff have taken into account.  We find the Staff recommended funding amounts to be just, reasonable . . .”

The Amended Order No. 26194 is attached to this Order as Exhibit A.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of  July 1996.

                                                             RALPH NELSON, PRESIDENT

                  MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

August 1, 1996