DECISION MEMORANDUM

TO:COMMISSIONER NELSONSTEPHANIE MILLER

COMMISSIONER HANSENTONYA CLARK

COMMISSIONER SMITHGARY RICHARDSON

MYRNA WALTERSDON HOWELL

JIM LONGEILEEN BENNER

FROM:BEV BARKER

RE:KRPL, INC., VS GTE NORTHWEST

CASE NO. GTE-T-95-1

DATE:JUNE 16, 1995

BACKGROUND

On May 15, 1995, the Commission received a formal complaint against GTE from Dennis Deccio of KRPL., Inc.  Mr. Deccio expressed concerns about GTE's announced intention to disconnect service to KRPL. A letter  to KRPL dated May 11, 1995, and signed by R. Leroy Bentley of GTE notified the radio station that telephone service would be disconnected. The letter stated that "Your promotional activities have caused repeated unacceptable interruptions in telephone service for all customers in the Moscow exchange. Despite numerous attempts by GTE Northwest's management to resolve these issues, your activities continue."

On May 16, 1995, Myrna Walters issued a Summons and Complaint against GTE. On

June 12, 1995, GTE filed its Answer, which states that the "complainant's course of conduct has not given rise to the need to further consider disconnection." The Answer also withdraws its Notice of Disconnection, which originally prompted KRPL's formal complaint, and asks that the complaint be dismissed as moot.

STAFF ANALYSIS

Staff's preliminary informal investigation revealed that on at least two occasions, customers served by GTE's Moscow central office experienced delayed dial tone during an approximate­ly one hour period when call volume more than doubled during busy hour periods. GTE identified KRPL, which was conducting call-in promotional contests during that time, as the cause of the abnormal increase in traffic. To prevent the problem from recurring, GTE suggested that the station change the time of its contests to non-peak hours, limit the duration of the contest, and take fewer calls before announcing a winner on air. KRPL was somewhat skeptical of GTE's assertion that the radio station was causing the problem, but did agree to modify it's contests.

Jim Long analyzed the technical information provided by GTE; his analysis is attached. Jim concluded that GTE's central office in Moscow is adequately sized and provisioned for current average peak hour traffic. However, abnormally large increases in call volume can cause the telephonic equivalent of a traffic jam. The use of speed dialing and automatic redial features exacerbate traffic problems, just adding to the number of calls in que. It is possible that KRPL's contests set the stage for Moscow's gridlock. Some unanswered questions remain, making it difficult for Staff to conclude with total certainty that KRPL's contest participants caused the central office problems.

STAFF RECOMMENDATION

Since GTE has withdrawn its notice of disconnection, KRPL's complaint is moot. Therefore, Staff recommends dismissal of the formal complaint. In Staff's opinion, the remaining questions about switch monitoring and performance can be pursued informally.

COMMISSION DECISION

Does the Commission wish to dismiss this case? Does the Commission wish to keep the case open until Staff's remaining questions are answered? Something else?

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