

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE INVESTIGATION</b>	)	
<b>OF RURAL TELEPHONE COMPANY'S</b>	)	<b>CASE NO. RUR-T-06-1</b>
<b>COMPLIANCE WITH COMMISSION</b>	)	
<b>RULES</b>	)	<b>ORDER NO. 30140</b>
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On December 13, 2005, a formal complaint was filed with the Commission by Merlin and Judith Lords regarding telephone service provided them by Rural Telephone Company. On several occasions beginning in November and December 2005, Rural Telephone's customers in Atlanta, Idaho were without long-distance and 911 service. The Lords and other customers complained to the Company, and as a result, the Company on December 15, 2005 sent a letter to customers apologizing for the inconvenience caused by service outages. The Company explained that heavy snowfall in the Atlanta area caused the outages and delayed repairs by the Company. The Company voluntarily waived its monthly local service charge for customers for January 2006.

Despite the Company's response in its December 15 letter, the Lords and other customers pursued their complaint to the Commission, alleging that Rural Telephone is not in compliance with the Commission's Telephone Customer Relations Rules. Accordingly, on January 26, 2006, the Commission issued Order No. 29964 opening an investigation into issues raised by the complaints. The Commission in Order No. 29964 directed the Company to respond to six questions.

On August 25, 2006, the Commission Staff completed its investigation and filed a written report with the Commission. In addition, Staff provided a copy of the report to the telephone company and the Lords, and notified the parties that the Staff would ask the Commission to approve the report and its recommendations at a decision meeting on September 25, 2006. Staff invited the parties to file written responses regarding the report no later than September 20, 2006, so that the Commission could also consider those comments at the decision meeting. Neither the Company nor the Lords responded to the report filed by Staff.

Rural Telephone provides service to 37 customers in Atlanta, Idaho which, as Staff noted in its report, "is in a remote location and not easily accessible." Rural provides local

service through its own central office switch in Atlanta. Long-distance and 911 services, however, are provided over a Qwest Corporation T-1 circuit that originates in Boise. Long-distance and 911 signals are sent by microwave carrier from Qwest's Deer Point site to Rural's Prairie central office. The signals then travel to a microwave repeater on Trinity Mountain, continue from Trinity Mountain to the James Creek Summit microwave repeater, and then on to the central office in Atlanta. Rural's microwave repeaters at Trinity Mountain and James Creek Summit are powered by batteries that are charged by solar panels.

Snow on the solar panels caused the service outages last winter. Heavy snowstorms in December deposited snow on the solar panels, preventing them from charging the batteries that operate the microwave repeaters. The Staff Report describes the procedures the Company follows before dispatching technicians to the repeater sites in adverse weather conditions. First, Company technicians assess the avalanche danger by reviewing information on an avalanche warning website. Then, "once the technicians have been dispatched, they travel as far as conditions allow and make onsite visual assessments of travel and avalanche conditions to determine potential risk." Staff Report p. 5. When the outages occurred in December 2005 and January 2006, snowstorms and avalanche risks prevented Company technicians from reaching the microwave repeaters. The Company also made several attempts to access the Trinity Mountain location by helicopter, but high winds prevented the helicopter from landing.

Because of the weather conditions, the Company was unable to reach the repeater locations and clear the solar panels, and the batteries were expended. As a result, the Atlanta customers were without long-distance telephone service and 911 service during three periods in November and December 2005, and early January 2006. In response to customer complaints, Rural provided a local service credit to the Atlanta customers for January 2006. The Company has taken steps to help prevent similar problems in the future. The position of the solar panels at the repeater sites has been adjusted to improve the effect of solar rays on the panels. In addition, Rural has installed or will install small wind turbines at the repeater sites to generate electricity as a backup source of energy to the solar panels.

The Commission finds that the efforts taken by Rural to clear the solar panels last winter were reasonable. The snowstorms were particularly heavy in the Atlanta area, and the terrain is unspoiled and rugged. The facilities required to provide long-distance service to the Atlanta customers are, by necessity, located in remote locations not easily accessed, especially in

adverse weather conditions. The Company made several attempts to reach the solar panels by snowmobile or helicopter, and we find these efforts to restore long-distance and 911 service were reasonable under the circumstances. We also find the Company has taken reasonable steps to reduce the possibility of similar outages in the future. Principally, the installation of wind generators to serve as a back-up power source should help minimize similar outages.

Despite reasonable efforts by Rural to address the weather related problems that occurred last winter, Staff made specific recommendations to improve service to the Atlanta customers. For example, part of the customers' complaints stem from a lack of communication regarding the outages. Customers attempting long-distance calls during the outages received an "all circuits busy" message, leading customers to believe network congestion was preventing their calls. Staff recommended the Company change its message to simply notify customers that long-distance service is currently not available.

Realizing it may not be possible to altogether eliminate the effects of weather on Rural's facilities, the Commission finds it reasonable and appropriate to adopt Staff's recommendations to minimize similar outages during winter snowstorms and provide better communication to customers and the Commission. First, Rural should check the batteries at the repeater sites to ensure they will provide maximum service if the solar panels become inoperable. Rural must report to the Commission that the new backup wind generators have been installed and are operable. The "all circuits are busy" message must be changed so that customers are not led to believe that network congestion is the cause of long-distance outages. Rural must comply with Commission rules regarding repair records, including closing trouble tickets when repairs are completed and documenting outages affecting multiple customers. See IDAPA 31.41.01.503. Finally, Rural must provide a report to the Commission on service outages affecting multiple customers that last longer than 24 hours.

The Commission in Order No. 29964 also directed Rural to respond to a question regarding the classification of local service. The question was unrelated to the winter service outages, but nonetheless was raised by customers in complaints filed with the Commission. Specifically, the Commission asked: How does the Company ensure it properly identifies customers as residential or business in compliance with the terms of its tariff? Staff reviewed the Company's practice to determine whether a residential service should be reclassified as a business service, and concluded "the Company does appear to follow its tariff by applying a

business rate if the line is determined to be used for business purposes.” Staff Report p. 12. There is a discrepancy, however, between the business use standards in the Company’s tariff and the Commission’s Telephone Customer Relations Rules, IDAPA 31.41.01 *et seq.* The Company’s tariff allows reclassification of a residential line if there is any business use at all on the line, while the Customer Relations Rules provides for a residential classification if it is used “at a dwelling *primarily* for personal or domestic purposes and not for business, professional or institutional purposes.” IDAPA 31.41.01.005.09. The Commission rule thus allows some incidental business use of residential telecommunications service without requiring that it be reclassified as business service. Rural is directed to revise its tariff to be consistent with the Commission’s Telephone Customer Relations Rules regarding the classification of residential and business service.

Rural clearly faces challenges unlike those in urban areas as it provides telecommunications services to its Atlanta customers. Under the circumstances, we find that Rural acted prudently to restore long-distance and 911 service when heavy snowfall caused outages last winter. We nonetheless also find it reasonable to direct the Company to take the steps set forth in this Order to help reduce the potential for similar outages and provide better communication to customers and the Commission. The Commission acknowledges and thanks the Company for its cooperation in this investigation.

### **ORDER**

IT IS THEREFORE ORDERED that Rural, (1) as part of its regular maintenance, check the batteries at the repeater sites to ensure they will provide maximum service if the solar panels become inoperable; (2) report to the Commission that the new backup wind generators have been installed and are operable; (3) change the “all circuits are busy” message so that customers are not led to believe that network congestion is the cause of long-distance outages; (4) comply with Commission rules regarding repair records, including closing trouble tickets when repairs are completed and documenting outages affecting multiple customers (See IDAPA 31.41.01.503); and (5) provide a report to the Commission on service outages affecting multiple customers that last longer than 24 hours.

IT IS FURTHER ORDERED that Rural revise its tariff to be consistent with the Commission’s Telephone Customer Relations Rules regarding the classification of residential and business service.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4<sup>th</sup> day of October 2006.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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