DECISION MEMORANDUM

TO:COMMISSIONER NELSON

COMMISSIONER SMITH

COMMISSIONER HANSEN

MYRNA WALTERS

STEPHANIE MILLER

DAVE SCHUNKE

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WORKING FILE

FROM:DON HOWELL

DATE:MAY 30, 1995

RE:VALLEY LINK’S COMPLAINT AND PETITION FOR STAY,

CASE NO. USW-S-95-3

On May 30, 1995, Valley Link Communications filed a Complaint and Petition for Stay against U S WEST Communications.  More specifically, Valley Link seeks a Commission Order postponing the termination of Valley Link’s telecommunication’s services currently scheduled for disconnection June 1, 1995 at noon.  Valley Link is in the process of converting its extended area service (EAS) bridging activities to long-distance switched access services provided by U S WEST.  Valley Link has been unable to successfully make a conversion to switched access and requests a stay of disconnection until July 1, 1995.

BACKGROUND

In February 1995, the Commission issued Order No. 25885 in the Upper Valley bridging case, No. GNR-T-94-1.  In that case, Upper Valley was providing EAS bridging services by using U S WEST facilities.  In Order No. 25885, the Commission found such EAS bridging services were unlawful and ordered U S WEST “to submit appropriate tariffs and price lists that specifically prohibit EAS bridging services in its service areas.”  Order No. 25885 at 20.  On March 9, 1995, the Commission approved U S WEST’s tariff prohibiting EAS bridging.

Although Valley Link argues in its Petition that it was not provided a copy of U S WEST’s tariff, Valley Link was an intervening party to the Upper Valley case.  As any party to a Commission case, it was served copies of the Commission’s Orders.  Valley Link did not participate at the hearing or on reconsideration, and did not appeal from the Commission’s Orders.  The Commission’s final Order on reconsideration No. 25933 was issued March 16, 1995.

THE COMPLAINT AND STAY

In its Complaint and Petition, Valley Link asserts that it has always been willing to negotiate “with U S WEST for the orderly transmission of telecommunications services to switched access.”  Petition at 3.  Valley Link’s Petition outlines the problems it has allegedly experienced in preparing for the conversion to switched access.  In particular, Valley Link has experienced difficulties in sending automatic number identification to the local U S WEST switch.  Petition at 4-6.  Valley Link maintains that it has begun its customer notification of the transition to switched service which should be completed “within the next 7 to 14 days.”  Id. at 5.  Valley Link asserts that its customers should be converted to switched access

in an orderly fashion to limit disastrous consequences caused by customers being added to the new system.  At no time has Valley Link sought delay of the transition to switched access service on its own accord.  A large portion of the delay is solely attributable to U S WEST and, more importantly, it is only with unclean hands that U S WEST can now demand immediate connection to switched access after the many months of delay caused by U S WEST in this case.

Id. at 6.

U S WEST has informally indicated that it does not intend to file a responsive pleading to the Petition unless directed by the Commission.  A full accounting of Valley Link’s position is contained in its Petition and Complaint.

COMMISSION DECISION

Does the Commission desire to act on this Petition and Complaint before June 1, 1995?  If so, what action does the Commission deem appropriate?

Donald L. Howell, II

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