DECISION MEMORANDUM

TO:COMMISSIONER NELSON

COMMISSIONER SMITH

COMMISSIONER HANSEN

MYRNA WALTERS

STEPHANIE MILLER

DAVID SCHUNKE

DON HOWELL

FROM:CAROL COOPER/SUSAN HAMLIN

EILEEN BENNER

GARY RICHARDSON

TONYA CLARK

BEVERLY BARKER

WORKING FILE

DATE:FEBRUARY 16, 1996

RE:PETITION TO CHANGE RATES FOR U S WEST NONPUBLISHED AND NONLISTED PHONE NUMBERS (BASIC LOCAL EXCHANGE TARIFF SECTION 5, PAGE 90).

Mr. David Hoffman has submitted a petition signed by twenty-five people and cover letter referred to as a complaint (attached) asking for a tariff change regarding U S WEST’s  practice of charging a monthly fee for nonpublished and nonlisted phone numbers.  Also attached is a statement from U S WEST regarding this filing.

BACKGROUND

On December 14, 1995 Dave Hoffman contacted the Commission complaining about paying $4 per month to keep his phone number unpublished.  Staff verified that this is a PUC approved item under Title 61 and sent him a copy of Basic Local Exchange Tariff, Section 5, pages 88, 89 & 90 (page 90 is attached).  He requested information on how to change this tariff, and Staff provided information on how to file a formal complaint.

On January 16, 1996, Mr. Hoffman hand delivered a letter and audio tape to the Commission asking that this tariff be changed to allow a reasonable, one-time charge for initiation of the nonpublished service in lieu of the monthly charge.  His audio tape is a recording of two phone calls to U S WEST, wherein U S WEST clearly explains the process of deleting information from directory assistance and the phone book to be a quick one-time process that does not include any activity on a month-to-month basis.

On February 2, 1996 the attached complaint and petition was filed with the Commission to replace the January 16 letter in an attempt to comply with IPUC procedures.  The Complaint states that it is contesting the practice of a monthly fee by U S WEST for the purpose of securing a nonlisted or nonpublished number only.  “No other practice is being sought for change at this time.”  Complaint at 2.  The Complainant also requests that complaint and petition be recognized as a formal complaint according to Idaho Code § 61-612 and has requested a formal hearing.

HISTORY

In September 1985, Order No. 19956, the Commission established the rates for nonlisted and nonpublished telephone numbers at $2.50 and $4.00 respectively.  The order stated that “the request for a nonlisted or a nonpublished telephone number does contribute to the need to call Directory Assistance.  The cost of maintaining privacy should be borne by the person who desires it.”  The Commission retained Title 61 regulation for directory exclusion services in March 1989, Order No. 22416.  Currently, a one-time set-up charge of $20 for business and $8 for residence applies to requests for either nonlisted or nonpublished numbers in addition to the monthly charge.

Order No. 19956 also changed the number of free calls to Directory Assistance from five to three and increased the direct-dialed Directory Assistance calls from $.27 to $.30 each.

Directory Assistance Services were removed to Title 62 regulation in March 1989, Order No. 22416.  U S WEST Price List, Section 6, pages 33, 34, and 35 allows residential customers one call per month at no charge.  A caller may request a maximum of two telephone numbers for each call to Directory Assistance.  For additional calls placed that same month the customer will be charged $.60 each.

As of December 31, 1995, 3,888 residential customers had nonlisted numbers and 27,478 residential customers had nonpublished numbers.  Excluding the set-up charge, this equals $1,435,584 per year for U S WEST.

STAFF RECOMMENDATION

Pursuant to Idaho Code § 61-612, complaints against the utility may be made by petition or complaint in writing, setting forth any act or things to be done by any public utility including any rule, regulation, or charge established or fixed by or for any public utility in violation, or claim to be in violation of any provision of law,order or rule of the Commission.  However, “no complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rate or charges of any gas, electric, water or telephone corporation, unless the same be signed by . . . not less than twenty-five consumers or purchasers or prospective consumers or purchasers at such gas, electricity, water or telephone service.” Id.  (emphasis added).

According to Rule 54 of the Commission Rules of Procedure, IDAPA 31.01.01.054, all pleadings charging other persons with acts or omissions under law administered by the Commission are called “formal complaints.”  Formal complaints must be (1) in writing, (2) fully state the acts or things done or omitted to be done by the persons complained against by reciting the facts construing the acts or omissions and the dates when they occurred, (3) refer to statutes, rules, orders and other controlling laws involved, (4)  prayer for a relief desired, and (5) state the name of the person complained against.

Staff feels that on its face this complaint and petition meet the requirements of Idaho Code § 61-612 and Rule 54.  The compliant is in writing signed by twenty-five persons who have alleged to be customers of U S WEST.  It asks the Commission to change and eliminate the tariff and/or fee in regard to the monthly charge for nonlisted and nonpublished telephone numbers, thus stating the act or thing to be done by the public utility.  It generally refers to the tariff which the petitioners would like to have changed, however it does not specifically give the number of the tariff nor previous Commission orders.  It enumerates a prayer for relief by requesting a one-time fee to be charged by U S WEST for the purpose of deleting the requested information from the directory assistance and phone directory.  And finally it states whom the complaint is against, U S WEST.

COMMISSION DECISION

How does the Commission wish to proceed?

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Carol Cooper

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Susan Hamlin

cc:gdk/hoff2.cjc/udmemos