

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF PROPOSED) DOCKET NO. 93M-526T
CHANGES IN TARIFFS FILED BY)
U S WEST COMMUNICATIONS, INC.,) ORDER
IN ADVICE LETTER NO. 2425.)

Mailed Date: September 10, 1993
Adopted Date: September 8, 1993

STATEMENT

BY THE COMMISSION:

This matter comes before the Colorado Public Utilities Commission ("Commission") on the Colorado Office of Consumer Counsel's ("OCC") motion to dismiss or, in the alternative, motion for summary judgment; Colorado Municipal League's ("CML") motion to dismiss; Staff's motion for expanded notice and motion for clarification; and U S WEST Communications, Inc.'s ("U S WEST") motion requesting an extension to September 14, 1993, to file responses to the motions to dismiss. Having considered the matter, the following order is entered.

DISCUSSION

U S WEST seeks by Advice Letter No. 2425 to recover from residential ratepayers certain costs associated with accounting changes made by the Financial Accounting Standards Board ("FASB"). The proposed effective date of the tariff is October 1, 1993. We have made no decision at this time whether to suspend the tariff and

set the matter for hearing.

The OCC and CML have filed motions to dismiss the Advice Letter. They assert that the Advice Letter constitutes piecemeal regulation which, for legal and policy reasons, they urge us to reject. Staff asserts in its motion for expanded notice that U S WEST should provide additional notice to include business customers. To date, U S WEST has given notice of the increase only to its residential ratepayers.

Staff argues that business customers should also receive notice of the proposed tariff change because if the Commission were to approve a rate increase for FASB costs, it could also determine that residential and business ratepayers should bear the burden of these costs. Finally, Staff requests that we clarify our decision in AFOR (Decision No. C92-854) to define the scope of issues that can be raised in a U S WEST rate proceeding during the period in which the AFOR formula is operable.

In order to most efficiently resolve these motions, the motions to dismiss should be considered first. Then, if necessary, the Commission should address Staff's motions regarding notice and clarification of the AFOR decision. The cost of notice can be a significant expense for utilities. If Staff's request regarding expanded notice is granted, thereby requiring U S WEST to expend funds to re-notice its advice letter, a subsequent grant of the motions to dismiss will result in the wasteful expenditure of resources on expanded notice.

Also, if the motions to dismiss are granted, it becomes

unnecessary to decide the issues raised in staff's motions for clarification. However, given the statutory time limitations governing this Commission's rulings on advice letters and the possibility that the AFOR decision requires the consideration of issues other than FASB, we must schedule a single hearing on all pending motions without delay.

THEREFORE THE COMMISSION ORDERS THAT:

1. Docket No. 93M-526T is opened.

2. U S WEST Communications, Inc.; the Colorado Office of Consumer Counsel; Colorado Municipal League; and the Staff of the Commission shall file responses, if any, to the pending motions on or before September 14, 1993. Parties shall include as part of their responses a statement of their position regarding the scope of the issues which can be or should be raised in this proceeding if the Commission does not grant the motions to dismiss.

3. A hearing on all motions will be held September 24, 1993, from 9 am to noon in Commission Hearing Room "A," 1580 Logan Street, Office Level 2, Denver, Colorado. The Colorado Office of Consumer Counsel, Colorado Municipal League, and the Staff of the Commission shall have 30 minutes each for oral argument concerning their respective motions. These movants may reserve a portion of their time for rebuttal. U S WEST Communications, Inc., will then have one hour for oral argument in response to the motions of the Movants.

The Colorado Office of Consumer Counsel, Colorado Municipal League, and the Staff of the Commission may then use any reserved time to argue in rebuttal. Parties are strongly encouraged not simply to restate their written arguments in their oral presentation.

4. The Commission will deliberate on these motions as well as decide whether to suspended the tariffs at a Special Open Meeting that afternoon, September 24, 1993, beginning at 1:30 p.m. in Commission Hearing Room "A," 1580 Logan Street, Office Level 2, Denver, Colorado.

5. Response time to the motions is waived.

This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING September 8, 1993.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER VINCENT MAJKOWSKI
ABSENT.

T:srs/saw