

(Decision No. 74767)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE RULES OF THE)
PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO REGULATING THE)
SERVICE OF TELEPHONE UTILITIES)
WITHIN THE STATE OF COLORADO.)

CASE NO. 5323
SUPPLEMENTAL ORDER

April 22, 1970

Appearances: Dennis Stack, Esq.,
Denver, Colorado, for
Mountain States Telephone
and Telegraph Company;
and
H. A. Galligan, Jr., Esq.,
Denver, Colorado, for the
Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

In the above-numbered Case by Decision No. 68571 of November 25, 1966, this Commission prescribed "Rules Regulating the Service of Telephone Utilities". Said Rules became effective January 1, 1967. By a Supplemental Order of June 10, 1969, Decision No. 73110, the Commission revised Rule 18 of said Rules and the revised Rule became effective July 1, 1969.

The Commission issued a "Notice of Hearing" to all interested parties in Case No. 5323 on February 25, 1970, signifying its intent of revising Rule 11, "Subscriber Deposit". The hearing, in regard to the revision of Rule 11, was set for Thursday, April 16, 1970, at 10 o'clock a.m., in the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado. Transmitted with the Notice of Hearing to all the parties was a copy of proposed Rule 11 showing the changes to be considered at the hearing. Interested parties were invited to make suggestions, changes or revisions in said proposed Rule or to file an appropriate pleading to become a party to the proceeding on or before March 31, 1970.

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Mountain States Telephone and Telegraph Company entered an appearance at the hearing. The matter of the proposed change in Rule 11, in Case 5323, was consolidated for hearing with Case 5320 (Electric Rules), Case 5321 (Gas Rules), Case 5322 (Water Rules), and the hearing was held at the schedule time and place. At the conclusion of the hearing, the matters were taken under advisement.

Testimony was heard on behalf of the Staff and the intervenor in regard to the proposed Rule change.

FINDINGS OF FACT

THE COMMISSION FINDS:

That the Commission has jurisdiction of the instant matter.

That the Commission is fully advised in the premises.

That Rule 11, "Subscriber Deposit", should be revised as set forth in the Order to follow.

O R D E R

THE COMMISSION ORDERS:

That Rule 11, "Subscriber Deposit", of the Rules Regulating the Service of Telephone Utilities is amended to read as follows:

"Rule 11 - Subscriber Deposit"

Subscriber Deposit. (a) Any utility may require at any time from any subscriber or prospective subscriber, a cash deposit intended to guarantee payment of current bills. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such subscriber, or in the case of a subscriber whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such subscriber, except in the event an extension of lines and facilities is required to furnish such prospective subscriber with service, the deposit may be the amount of the estimated bill for a longer period, if so specified in the provisions of the extension policy. An estimated charge for toll calls may also be included in the total amount of deposit required. Simple interest shall be paid by the utility upon such deposits at the rate of seven percent per annum, payable upon the return of the deposit, or annually upon request of the subscriber, for the time such deposit was held by the utility and the subscriber was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash, or by a credit to the subscriber's account. In computing interest, no consideration need be given to fractional parts of months.

(b) Each utility having on hand such deposits from subscribers, or hereafter receiving such deposits from subscribers, shall keep records to show: (1) the name of each subscriber making a deposit; (2) the premises occupied by the subscriber when making the deposit and each successive premise occupied while the deposit is retained by the utility; (3) the amount and date of making the deposit; and (4) a record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(c) Each utility shall issue to every subscriber from whom such deposit is received a certificate of deposit.

(d) Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled but is unable to procure the original certificate of deposit, may not upon reasonable proof be deprived of his deposit or balance.

(e) Each utility shall file as part of its tariffs a brief statement setting forth its deposit requirement policy, explaining under what circumstances a deposit shall be required and when such deposit shall be returned."

Except as modified herein, Decision Nos. 68571 and 73110 shall remain in full force and effect.

That each utility shall file with the Commission, as a part of its tariffs, on or before July 1, 1970, the policy as required in part (e) above.

That Rule 11 shall become effective on July 1, 1970.

That this Order shall become effective forthwith.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

HENRY E. ZARLENGO

HOWARD S. BJELLAND

Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
22nd day of April, 1970.

vr



ATTEST: A TRUE COPY

Harry A. Galligan, Jr.
Harry A. Galligan, Jr., Secretary