

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

WAYNE K. TURNBOW AND)
CONCERNED CITIZENS OF YUMA)
AND WASHINGTON COUNTY,)
)
Complainants,)
)DOCKET NO. 92F-289T)

v.) **DECISION AND ORDER**)

U S West COMMUNICATIONS, INC.,)
)
Respondent.)

- - - - -
Mailed Date: February 26, 1993
Adopted Date: January 13, 1993
- - - - -

STATEMENT, FINDINGS OF FACT, AND CONCLUSIONS

BY THE COMMISSION:

I. SUMMARY

On May 22, 1992, Wayne K. Turnbow and Concerned Citizens of Washington and Yuma Counties (collectively referred to herein as "YWC" or "Complainants") filed a formal complaint with the Colorado Public Utilities Commission ("commission") alleging that U S West Communications, Inc. ("U S West" or "Respondent" or "Company"), is providing inadequate basic service to the customers in their rural area. YWC also complained of Respondent's numerous violations of the "service quality rules" (Rules Regulating Telecommunications

Service Providers and Telephone Utilities found at 4 Colorado Code of Regulations 723-2) promulgated by the commission, and failure to implement the Emergency 911 system which YWC alleged had been promised.

The commission held two days of hearing in Yuma, Colorado, and received numerous exhibits. During the hearing, the commission heard repeatedly about the Complainants' frustration with the telephone service, as provided by U S West.

Respondent presented evidence showing that the service lines in this area were exhausted, indicating which improvements it was making or planning to make in the area, regarding its communications with individual Complainants of YWC, and regarding its argued compliance with this commission's quality of service rules.

The commission finds that Respondent has provided inadequate service to the citizens of Washington and Yuma Counties and orders the remedies stated herein.

II. PROCEDURAL BACKGROUND

Complainants are Wayne K. Turnbow and "Concerned Citizens of Washington and Yuma County," signatories to the petitions attached to the formal complaint which was filed with the commission on May 22, 1992. Complainants allege that the Respondent is providing inadequate basic telephone service to the rural customers of

Washington and Yuma Counties. These allegations are supported by letters attached to the complaint that describe the current status of service being provided to some customers. The complaint also cites numerous alleged violations of the commission's service quality rules.

Specifically, the complaint alleged violations of the following rules:

Rule 6.1 regarding maintenance of accurate complaint or trouble report records;

Rule 6.2 regarding proper recording and reporting of held service orders;

Rule 6.5 regarding accurate records of plant and facilities;

Rule 7.1 regarding prompt investigation and resolution of customer complaints;

Rule 11.2 regarding availability of service and rate information from the business office;

Rule 13 regarding construction and maintenance of plant to assure safety and uniformity of service quality;

Rule 14.1.6 regarding coordination of construction activities with other entities that may affect facilities used to serve the public;

Rule 14.1.7 regarding a periodic maintenance program for the telephone system to at all times render safe and adequate service;

Rule 16.1.2 regarding meeting generally accepted criteria for service when not specifically defined within the minimal standards of the rules;

Rule 17 regarding the acceptable grades of service and that telephone service providers should use their best efforts to regrade all customers to at least two-party service by November of 1994;

Rule 18 regarding loss and noise standards for telephone lines;

Rule 21.1 regarding minimum percentage of properly terminated calls and proper termination of a telephone call;

Rule 22.1 regarding the maximum number of acceptable trouble reports within an exchange.

Complainants seek various alternative forms of relief, including that:

- 1.If U S West is to be permitted to retain its status as basic local telephone service provider in the Complainants' counties, it be required to accelerate plans to offer single-party service within ninety days following a final commission order;
- 2.New installations be provided to users at the same price as in other areas of the State that are participating in the Rural Facilities Improvement Program ("RFIP");
- 3.The commission monitor more intensively the application of the U S West construction tariff;
- 4.The commission order additional remedies such as refunds by U S West or special incentives;
- 5.End-use consumers be provided the opportunity to install part or all of their own service under the U S West line extension tariff;
- 6.Offer by independent telephone companies to provide service in the areas complained of by the counties be considered by the commission;
- 7.That all additional costs incurred by Washington and Yuma Counties in implementing an E911 system should be borne by U S West shareholders, and the commission should ensure implementation of the E911 system in these counties forthwith;
- 8.Monitoring of the existing plant and equipment be performed by the commission; and finally

9. That the Complainants be allowed an alternative to continued telephone service by U S WEST through a competitive bidding process, monitored by the commission.

On June 16, 1992, U S West filed its answer to YWC's complaint denying all allegations, contentions, and requests set forth in the complaint. As defenses of its actions, U S West claimed that:

1. It was in substantial compliance with the commission's service quality rules as evidenced by tabulations of its performance attached to its answer;
2. The presence of four-party service in the counties does not prevent the implementation and operation of emergency telephone service in Washington and Yuma Counties; and,
3. The Company recognizes that four-party service is not the optimum level of service and is willing to commit to expediting the construction schedule proposed under its second Rural Facilities Improvement Program Application in commission Docket No. 92A-109T ("RFIP II"), to upgrade the subject exchanges from the current schedule of 1992 and 1996, to 1993 and early 1994.

On July 10, 1992, YWC filed a petition to proceed to hearing which requested, in part, that its complaint be heard by a commissioner, and that it be processed in an expedited manner. By order and notice dated July 29, 1992, this matter was set for hearing to be held on October 13, 1992, in Yuma, Colorado. On August 3, 1992,

U S West filed its motion to limit the service list for pleadings in this case, which motion was granted by Interim Order of Administrative Law Judge Stuelpnagel Decision No. R92-956-I, on August 3, 1992. On September 2, 1992, the commission issued a procedural order, Decision No. C92-1146, stating that the commission, sitting *en banc*, would hear the complaint and, "in order to facilitate the hearing and determination of [YWC's] allegations," requested that certain information be presented to the commission by the Complainants and the Respondent relative to some of the allegations. Most of the requests within that order directed U S West to provide information which the company is required to keep in accordance with the service quality rules. Included was a request that the company test the access lines for all Complainants to determine the status of the lines relative to Rule 18 of the service quality rules; provide trouble report data in order to gauge the disparity of trouble between rural and town-situated customers in the exchanges; provide data on held service orders by cable route; and update the trouble report and switch performance data contained within its original answer to the complaint. The commission requested information from both parties on the commitments and correspondence associated with the implementation of the E911 system in both counties.

On September 18, 1992, U S West filed an unusual pleading styled "Comments On and A Response To Decision No. C92-1146" in which it took issue with the commission's handling of the com-

plaint--including its request for information. On September 23, 1992, U S West filed a Motion for a Protective Order with its list of possible witnesses and exhibits for trial. On this same date, YWC filed its pleading titled "Response to "Comments" of Decision No. C92-1146 Construed by Complainants As a Motion."

On September 25, 1992, the Office of Consumer Counsel ("OCC") entered its appearance in this proceeding based upon the wide impact that this complaint would have in these two counties. On September 28, 1992, U S West submitted a Statement of Position Regarding and Objections to Procedural Order, *i.e.*, Decision No. C92-1146, as well as a separate document which was a limited response to the request for information along with a limited data submittal. In its response, U S West chose to submit tests of the lines of approximately 88 of the approximately 1400 Complainants for a survey to determine compliance with Rule 18. It was U S West's position that the commission's request for information was too burdensome; and that it was inappropriate for the commission to request such information, and to sponsor it for the record, as an impartial decision-maker. U S West was also concerned that the commission, in an attempt to redress an imbalance of legal skills between the *pro se* Complainants and the Respondent's attorneys, would be giving undue advantage to the Complainants by helping them meet their burden of proof in the case.

On September 30, 1992, U S West filed a Motion to Strike Entry of Appearance and Notice of Intervention of the OCC in this complaint. On the same date, the commission entered a Procedural Order, Decision No. C92-1216, in which it granted the Respondent's motion for protective order for confidential information supplied by U S West in this proceeding, and clarified the previous procedural order.

On October 9, 1992, the commission issued Decision No. C92-1298, granting the intervention of the OCC as a party in this proceeding on the grounds that the complaint relates to the issue of inadequate service to the general public in Washington and Yuma Counties and not solely to day-to-day complaints between an individual and a utility (the OCC is statutorily barred from participation in these latter types of complaints).

Beginning at 9 a.m. on October 13, 1992, this complaint was called to hearing. Before Complainants presented their case in chief, the commission was asked to decide two procedural issues. First, YWC requested that the commission make a determination that, as a result of the February 12, 1991, stipulation in Docket No. 90S-544T between U S West, OCC, and the Staff of the commission regarding complaints involving quality of service against U S West, Respondent U S West was to bear the burden of proof in this case rather than the Complainants. The commission ruled that the burden did not

shift because one of two conditions precedent required by the unambiguous language of the stipulation in order to effect such a change in the burden of proof had not been met. Second, U S West renewed its objection to the participation of the OCC in the complaint case. The commission affirmed its previous determination that the OCC's participation in the matter was not in conflict with its authorizing statute because the matter concerned service to the general customer communities of Washington and Yuma Counties.

During the day YWC, offered numerous witnesses who testified to problems concerning their U S West telephone service. In addition, members of the County commissions testified, primarily about the status of emergency telephone service in the counties. All witnesses were subject to cross examination by U S West. At approximately 7 p.m., the hearing was recessed. By order and notice on October 21, 1992, this matter was set for further hearing in Yuma, Colorado, on November 9, 1992.

On November 9, 1992, at 10 a.m., the second day of hearing on this complaint was called to order. U S West presented the testimony of six employees of the Company , including Arthur G. Overturf (Denver), Jack Hume (Sterling), Phillip Vasquez and Darwin Wright (Greeley), Teresa O'Neil (Fort Morgan), and Ross Custer, Jr. (Denver). During the course of the hearing, 37 exhibits were identified, offered, and admitted into evidence (Exhibit

33 was not offered). Because the technical witnesses for the Respondent were unable to provide an explanation at the hearing regarding the possible telephone system equipment interactions that might be contributing to the low volume and cut-off problems described by many public witnesses, the commission asked U S West to consult with the switch manufacturer and to prepare an exhibit containing an explanation of the problem for filing with the commission on or before November 20, 1992. The commission announced that the parties would be allowed to file statements of position on the issues in the complaint by December 4, 1992. The hearing concluded at approximately 6 p.m., and the matter was taken under advisement.

On November 20, 1992, U S West requested an extension of time through November 25, 1992, to submit the technical exhibit requested by the commission. Good cause having been shown, the commission granted the motion of U S West. On November 25, 1992, U S West submitted late-filed Exhibit 39 which purportedly addressed possible causes for two particularly common types of customer complaints concerning party lines voiced at the hearing, *i.e.*, low volume, and/or apparent disconnection, when two parties on the same line go off-hook. On December 4, 1992, the OCC filed a motion to request an extension of time to December 9, 1992, to file its statement of position. On December 8, 1992, the OCC filed a second motion for an extension of time to December 14, 1992. Good cause having been shown, the commission granted the motions of the OCC.

On December 4, 1992, YWC and U S West filed their statements of position. The statement of position of the OCC was received on December 14, 1992.

Regarding the major issue of the complaint concerning the adequacy of rural party-line service, YWC maintained, in its statement of position, that the testimony of various witnesses at the hearing, plus the petitions carrying the names of approximately 1400 individuals who request relief from current deficiencies in the service provided by U S West, is ample evidence that commission Rule 14.1.7 (which states that the presence of interference, cut-offs, cross-talk, and excessive noise are symptomatic of inadequate service) has been violated. YWC also advanced an argument that U S West is violating commission Rule 18 relating to signal strength loss, measured in decibels, on an access line when more than one four-party customer attempts to use the access line. YWC also expressed dismay with the lack of any resolution by U S West in its late-filed Exhibit 39 of the problems created by multiple pickups on a multi-party line.

Finally, YWC stated that U S West has no program for periodic maintenance as required by commission Rule 14.1.7, and stated that the unilateral decision by U S West to only test lines of about 6 percent of the Complainants, contrary to commission order C92-1146 to test the lines of all Complainants, is a *de facto* admission of the complaints of the Complainants.

The OCC raised arguments similar to YWC on the issue of the adequacy of rural party-line service, and echoed the concern of YWC that the multiple pickup problem may be a violation of commission Rule 18. Next, the OCC charged that U S West is violating the periodic maintenance rule, Rule 14.1.7, because U S West has known of these problems and has failed to address them while waiting for a final decision in the RFIP case or, because the maintenance practices of the Company in these two counties are inadequate to detect these problems. Finally, the OCC stated that the actions of U S West have violated commission Rule 13 which requires maintenance and installation in accordance with good engineering practice in order to ensure uniformity in the quality of service furnished, and safety of persons and property.

In its statement of position, U S West maintained that the problems testified to by the witnesses of YWC are inherent in the nature and limitations of multi-party service. U S West stated that the low volume problems discussed in Exhibit 39 are directly related to the equipment, such as constant current sources and bridge lifters used for multi-party service. U S West also stated that Exhibits 10 through 13 establish that it is in compliance with Rule 18 regarding signal strength, that it is in compliance with Rule 22.1 concerning the maximum number of trouble reports in an exchange, and Rule 14.1.7 concerning periodic maintenance since the electronic switch records

self-diagnostics on lines and technicians conduct routine testing when dispatched on a trouble report.

Although the E911 service issue was mentioned in the petitions and the complaint of YWC, as well as at the hearing, it was not mentioned in its statement of position except in the section requesting various forms of relief. In that section of its statement, YWC contends that the E911 surcharges collected from multi-party customers should be refunded to these customers. U S West's statement of position maintains that the company's agents did not represent to the counties that single-party service would be available throughout the four exchanges in Washington and Yuma counties in 1992, and that, regardless of whether or not these counties have universal single-party service, all citizens receive some benefit, and the majority of citizens receive full benefit, from the E911 system. The OCC did not address this issue in its statement of position.

In addition to the rule violations complained of in the original complaint, YWC and OCC argued in their statements of position that the testimony and exhibits presented at the hearing provided the commission with evidence of additional violations of the commission's service quality rules. According to YWC and OCC, the evidence demonstrates violations of the following rules:
Rule 7.2 regarding notification of access by the customer to
supervisory or commission personnel for unsolved
problems;

Rule 10.2.3 regarding bill adjustments by the provider when telephone service is interrupted for more than eight continuous hours;

Rule 14.1.3 regarding proper and timely placement of buried cable;

Rule 22.2 regarding prompt response to all out-of-service reports.

In its statement of position, YWC requests that the U S West franchise over the four exchanges be revoked. In addition, YWC requests refunds of about \$5 million for past service inadequacy, plus an "avoided" cost to YWC of about another \$6 million be provided to YWC, (since U S West would not have to upgrade these exchanges in its RFIP if its franchise is revoked). The OCC's statement of position requests that U S West be ordered to repair the volume ringing problem by March 15, 1993. The OCC recommends inclusion of the two counties in the RFIP, but recommends against acceleration in the RFIP construction schedule and funding allowance from RFIP for these exchanges. The OCC argues that rate reductions, and possibly refunds, should be ordered by the commission, and also requests that the commission require U S West to examine sale or transfer of these exchanges, in whole or in part, to independent telephone companies.

Finally, the OCC requests that the commission engage in additional investigation of the operation of the digital switches used in these exchanges, and the accuracy of the U S West trouble report system.

The Respondent asks the commission to dismiss the complaint.

III. FINDINGS OF FACT AND CONCLUSIONS

Current Status of Multi-Party Service is Inadequate--U S West Violates Several Commission Rules. We begin by noting that U S West hampered the final resolution of this complaint by its failure to provide all of the data requested by the commission in Decision No. C92-1146.

The commission is obligated to resolve the problems complained of by these approximately 1400 citizens. It is our opinion that the company, more than anyone, should be anxious to discover the nature and depth of the problems complained of by its customers which they have been granted the exclusive authority to serve. The commission's effort here to investigate the technical facts of this case could not have placed the *pro se* Complainants at an advantage over U S West. There is simply no way that *pro se* Complainants, the OCC, or even the Staff of the commission can secure the technical information necessary to fully understand the nature of the problems complained of in this case without the cooperation of and access to the records and equipment of U S West.¹ It is true that the rules

¹ Pages two through four of U S West's "Response to Procedural Order", dated September 28, 1993, contain the objections of U S West regarding the burden of completing a loop survey pursuant to Rule 18 of 4 CCR 723-2. The objections of U S West imply that there were some 1400 required survey measurements. As discussed further in this decision, there were fewer than eight hundred U S West customer locations which the Commission could identify from the customer petitions attached to the complaint, with about one half of this number located within the towns in these exchanges. As noted on page four of U S West's "Response to Procedural Order", the loop measurements are conducted using a portable test instrument. The test itself only requires a few minutes at the customer location. Except for the travel time between rural customer locations the amount of time and effort to conduct the loop measurement survey is negligible. In terms of the rural customer location, Exhibits 34 through 37 demonstrate that a systematic testing progression throughout the exchanges could have held the amount of total travel time between rural locations to a minimum number of hours.

of procedure can be used as both a sword and a shield. But in this case, the Company's adopted procedural stance did not help to clarify the factual situation involved in this proceeding.

The commission will meet its obligation to resolve these complaints. The Complainants have provided much credible testimony regarding the nature and extent of problems with telephone service experienced in the Washington and Yuma County exchanges. In fact, U S West's rather limited surveys have corroborated the testimony of the Complainants and provided the commission with sufficient evidence to extrapolate regarding the extent of the problems.

Upon review of the petitions accompanying the original complaint of YWC, the commission can readily link some signers of the petitions directly to a telephone number in the U S West directory for the Yuma and Washington Counties area. The commission has identified about 781 telephone numbers of U S West customers of which 471 appear to be located outside of town and which, according to the evidence provided by U S West, are very likely to be multi-party service customers. We have also identified some 310 numbers that are located inside of the towns of Yuma, Wray, Akron, and Otis which are more likely to be single-party customers. (This is not entirely certain as some people have four-party service within the towns such as stated in the March 5, 1992 letter of Vicky Walz to the commission which is contained in the petition, as well as by some of the oral

testimony provided during the hearing.) Based on the data quoted on page 3 of the OCC closing statement of position, the total number of customers in the Washington and Yuma Counties area is approximately 5600, with 1080 of those being four-party customers. Thus, approximately 43.6 percent of the current four-party customers signed the petitions while only 6.8 percent of all other customers signed. Upon careful review of the petitions, we also found that there were a number of names that were illegible, and some that had signed more than once (or more than one person had signed for the same telephone number). There were approximately one hundred signatures on the petitions that may have increased the total number of telephone numbers if they were more legible, and approximately one hundred signatures on the petitions that were customers of independent telephone companies--primarily Plains Cooperative Telephone Association, Inc.

Based upon the addresses associated with the telephone numbers of the signatories to the petition, the distribution of the rural petition signers is found to be throughout the four exchanges which are the subject of the complaint. As noted from Exhibits 10 through 13 which show customer locations at which U S West did measure the current loss and noise parameters requested by the commission in Decision No. C92-1192, it is clear that U S West performed its survey work almost exclusively in the Akron exchange. In its September 25, 1992, response to the procedural order of the commission, Decision No. C92-1192, U S West stated that it did not comply with

the order because it was cost prohibitive. In addition, the testimony by Mr. Hume was that it took one hundred fifty man-hours to test the eighty-eight lines for which the Company did have data.

According to this proffered evidence, the Company affirms that it required an average of 1.7 man-hours to perform each test. This is an implausible figure based on the equipment used for this test and the simple mechanics involved in conducting the test.²

In Decision No. 90F-078T, concerning the Johnstown complaint, which was attached to several motions filed in this complaint, the commission ordered U S West to survey its outside plant in that exchange. The Company tested 200 of the 1580 lines in the exchange pursuant to that order. In fact, it should not have been any more arduous a task for the Company to survey all of the 781 access lines that were easily found on the petitions in this matter than was the case in the Johnstown situation. In addition, if the Company was so concerned in the case at bar about testing time requirements, it logically could have tested the longest loop on each separate access line. However, the Company did not conduct its tests on any systematic basis. Instead, according to the testimony of U S West witnesses, U S West technicians relied on the orders of the Company's legal

² To perform this test, the technician uses a portable test instrument to access the loop at the network interface (protector location) on the customer premise. He then dials a telephone number to access a test tone supplied at the local central office and records the meter indication on the test instrument for the parameter being measured. In all this, measurement requires only a few minutes of time for the technician.

counsel in this case for direction regarding which lines to test. The Company also chose not to comply with the requests in Decision No. C92-1192 concerning calibration of the Company's test equipment and observation of the testing process by an observer. As noted in the response to the procedural order, the Company normally calibrates its test instruments in the last quarter of the year. Hence, the calibration requirements set forth in Decision No. C92-1192 added no additional burden to the quarterly tests which were to be conducted within the same several-day period. The Company's actions, and inaction, in this case tend to discredit or undermine the credibility of data provided by the Company to the commission for determination of the issue regarding compliance with commission Rule 18. Every customer signing the complaint petitions, pursuant to commission Rule 7.1, was entitled to a prompt investigation that accurately determined compliance.

As noted in the Company's response to the procedural order, and confirmed by Exhibits 10 through 13, only six of the eighty-eight tested lines were in the Yuma exchange. The Yuma exchange is the largest of the four exchanges. Forty-four, thirty-four, and four lines, respectively, were tested in the Akron, Wray and Otis exchanges.

Of these lines tested, sixty-two were located in rural areas and fifty-one were four-party lines. Although U S West's statement of position (at page 11), states that only three lines were not in compliance with Rule 18 and that only three other lines were not in

compliance with the internal standards of the Company, careful review of the Company's Exhibits 10 through 13, reveals that six four-party and one-party lines did not meet the requirements of Rule 18. Four of these six out-of-compliance lines were in the Wray exchange in which sixteen four-party lines were tested. Overall, this implies a noncompliance rate of 11.7 percent for four-party lines, and 9.1 percent for one-party lines tested in rural areas, with the Wray exchange experiencing a 25.0 percent noncompliance rate. (It should be noted here that about two hundred of the four hundred seventy-one identified rural telephone numbers were from the Wray exchange.) These extrapolated noncompliance figures are clearly too high to pass muster under the minimum standards for access lines set forth in Rule 18, and are even too high for the arbitrary, legal-counsel-specified sample studied by U S West. Based on the preceding observations, we find that the Company has violated, and continues to violate, Rule 18 regarding allowable line loss, as well as Rule 7.1 regarding prompt response to and resolution of customer complaints. The provisions of Rule 13 concerning using good engineering practice to ensure uniformity of quality of service, and Rule 14.1.7 concerning establishing a maintenance program to minimize noise and volume voice loss on the access line have also been violated.

Both OCC and YWC allege that the volume loss on a party line during multiple party pickup raises arguments that Rule 18 is being violated, but we do not find this argument to be correct. There

is certainly a problem associated with adequate service involving multiple party pickup during a telephone call, but this does not appear to be a violation of Rule 18. This rule allows a loss of 10 decibels (dB) on a multi-party line. This figure was set to allow for approximately 8.5 dB of loss due to normal attenuation line impedance, plus about 1.5 dB of loss due to bridged taps, *i.e.*, the tap lines for the other multi-party customers being served from the main access line. This additional loss allowance is made because it is the expected effect of the other lines bridged onto the main line which carries current when a customer picks up his receiver to dial or answer a call.

As noted in Exhibit 39, U S West uses bridge lifters on four-party lines. A bridge lifter is an electronic device that decreases resistance, actually impedance, to essentially zero when current begins to flow through it, but effectively offers an infinite impedance without current flow. Where these devices are used, U S West should be able to meet the 8.5 dB loss standard in Rule 18 for a single-party line since the bridge lifters effectively disconnect the bridged taps from the multi-party access line. When the line loss measurement data of U S West in exhibits 10 through 13 is reviewed in the light of this information, it becomes clear that an additional five, four-party customers (three in the Akron exchange and one each in the Otis and Wray exchanges) would not be receiving satisfactory service under the requirements of Rule 18. This finding implies a

Rule 18 noncompliance rate of 22 percent of the total number of rural lines tested by the Company.

As stated by Mr. Hume, U S West Manager, North-East Area, the only way by which a four-party customer can tell if the telephone line is in use is to pick up the telephone and check for dial tone or conversation. Mr. Hume admitted that factors influencing the extreme volume drops testified to by YWC witnesses, include both the type of telephone set in use, as well as the length of the telephone line serving the customer. Clearly, the longer the bridged taps on the access line, the greater will be the resistance and consequent voice signal strength loss.

If the impedance of the bridge taps on a multi-party access line are widely different, there is a great likelihood that use of bridge lifters will create volume loss or cut-offs when there are multiple pickups on a multi-party line. This problem is alluded to by U S West in Exhibit 39.³ In this same exhibit, the Company states without substantiation that a telephone receiver can operate at seven to nine milliamperes of electrical current and that a touchtone pad can operate with fifteen to seventeen milliamperes. These figures are very conservative. As testified to by U S West witness Hume,

³ As noted by the comments of U S West on page 2 of Exhibit 39, the problem of widely different bridge tap lengths, results in an inadequate division of the available line current between the two parties attempting to simultaneously use the access line. The party on the longest bridged tap will proportionally receive less current which, at a certain level, will be insufficient to operate the bridge lifter on the telephone set.

new, less expensive telephone sets may require more electrical current for satisfactory volume and operation of the touchtone pad than is required by old, traditional telephone sets. U S West witness Hume also testified that where a telephone is used with less than fifteen milliamperes of electrical current, it is very difficult to hear the party at the other end of the connection. U S West Exhibits 10 through 13, indicate that, in fact, the internal minimum current standard used by U S West is twenty milliamperes. Furthermore it is important to note that Exhibit 39 states that seven to twelve milliamperes are required to saturate and activate the bridge lifter. As shown in the Company's Exhibit 14 (the Company's line survey results), some of the loop electrical current readings taken using a simulation of two parties "off-hook" indicate very marginal or unsatisfactory electrical current for adequate operation of either the bridge lifters or the telephone receiver. It is not discernible from this Exhibit 14, whether the test results shown indicate the most extreme cases of widely different impedances on the access lines so tested.

Exhibit 39 also alludes to possible corrective actions that could be taken to alleviate the problem of deficient electrical current. For example, the exhibit states that impedance may be reduced by placing resistors in the line, or by regrouping customers in given multi-party line groups in order to balance the line lengths, *i.e.* impedances, of the bridged taps on the lines. Unfortunately, the Company does not offer in Exhibit 39 or in any other testimony

to actually implement the remedial alternatives mentioned in Exhibit 39. Prudent engineering practice would require that line lengths be balanced whenever a new bridged tap is added to an access line.

Yet the Company, by its own data and exhibit, has demonstrated that it has not prudently provisioned these multi-party lines so that there is adequate electrical current to satisfactorily operate the bridge lifters and customer premise equipment in situations where a second party on a four-party line goes off-hook, a normal occurrence for multi-party service.

An example of allowing the bridge tap line lengths to become extreme is shown by the May 4, 1992, letter of Rhonda Spencer contained within the YWC complaint in which she states that she was assigned to a four-party line that contained some parties located twenty miles away. Such a situation will set up a tap line impedance mismatch which can cause volume loss or cut-offs.

Exhibits 15 through 28 plus the testimony of the U S West and YWC witnesses all point to a lack of adequate and spare outside plant facilities in the rural areas of these exchanges. U S West witness Phillip Vasquez, who is the manager of Design Engineering for U S West in the counties involved in this complaint, testified that Company policy for this area was to require a twelve- to eighteen-month payback on investments in regrades. Surprisingly, U S West witness Overturf, the Director of Network and Technical

Services for U S West in Colorado, during his testimony, disavowed this method of economic assessment and stated that it was not used statewide. It is unclear from the testimony whether or not Mr. Overturf intended to contradict the testimony of U S West witness Vasquez with respect to the investment policy for the counties in question, or whether he merely intended to inform the commission that this investment policy was not in effect on a statewide basis. Mr. Vasquez's testimony regarding the company's investment policy in the counties where service is at issue in this case was credible. When this type of unreasonable economic justification⁴ is used for long-lived utility assets, such as additional wire pairs in cable facilities, it becomes quite understandable why no such regrade assets, such as the additional wire pairs necessary for the regrades, are placed in the field and why antiquated facilities, such as one pair overhead wire as shown on Exhibit 27, are still in use in these exchanges. This apparent unwillingness to invest in additional facilities, and the previously discussed lack of attention to simple engineering design principles for party lines has resulted in violations of Rule 13 (concerning using good engineering practice to ensure uniformity of the quality of service, and particularly, the safety of persons and property), Rule 14.1.6 (concerning establishing a maintenance program to minimize or eliminate cut-offs,

⁴ Current depreciation rates for U S West cable and wire facilities are based upon an asset life of twenty to thirty years, as approved by Decision No. 90S-544T. To require a revenue stream from a customer(s) sufficient to "payback" such investment within twelve to eighteen months merely creates an arbitrary economic hurdle.

noise and other problems), and Rule 16.1.2 (regarding meeting generally accepted standards for providing service). Again, the commission finds that the continued presence of these problems, in the face of continued complaints, is a violation of Rule 7.1 regarding prompt response and resolution of customer complaints.

Review of Other Possible Rule Violations by U S West. The statements of position of YWC and the OCC questioned whether the Ericsson digital switch which is the type of switch used by U S West in the areas which are the subject of this complaint is adequate to support multi-party service. The record in this docket would more fully support a finding that the current design conditions and inadequately maintained outside plant in these exchanges is likely to be poorly suited to interface with the sophisticated, or at least semi-sophisticated, Ericsson digital switch. Some of the problems with cut-offs and abbreviated ringing may be due to interface problems between the switch and the selective ringing modules used with four-party service and the Company's apparent inability to properly ground these modules for protection against problems caused by electrical storms. Another possible reason for interface problems results from the fact that a digital switch is probably more sensitive to extreme variation in line impedance than the old step-by-step switches which were previously used in these exchanges.

Exhibits 31, 32, and 38 tend to support a conclusion that the switches currently installed in exchanges in Yuma and Washington Counties are performing satisfactorily. While there was some testimony from Complainants indicating occasional problems with completing long distance calls, these complaints were few, and the problems insignificant in relative comparison with the testimony pertaining to the outside plant facilities. The commission does not find any violation of Rule 21.1 concerning blocking of, or proper termination of, direct-dialed calls in this proceeding. Primarily, the service problems in the Yuma and Washington Counties area are due to outside plant problems, and principally concentrated in multi-party circuits.

In its statement of position, the OCC alleges that U S West is not in compliance with Rule 22.2 concerning prompt response to reports of out-of-service conditions that last more than twenty-four hours.

In fact, the U S West data shows that the response times in each exchange are longer than what is allowed by the rule. Both the testimony of U S West Witness Overturf, and page 12 of the Company's Closing Statement, indicate that the Company agrees with this OCC allegation. The data in Exhibit 32 indicates that in most instances the response time to out-of-service reports is certainly above the threshold of the rule. The intent of Rule 22.2 was to address average response times in the State as a whole and not in separate exchanges.

Therefore, the commission does not find a specific violation of this rule for just these exchanges.

The U S West statement of position claims the Company is in compliance with Rule 22.1 and cites cumulative trouble report rates for January 1992 through September 1992 as proof of compliance. However, the rule measures compliance on a rolling, three-month basis for the total exchange. Based on the data submitted by U S West in Exhibit 31, over the thirty-month period from March 1990 to August 1992, trouble report rates in the Akron exchange violated the rule six times (20 percent), while trouble report rates in the Otis exchange violated the rule nine times (30 percent). There have been no violations of the rule in these exchanges in 1992. The OCC raises the issue of a wide difference in report rates between party lines and the total exchange as demonstrated by Exhibit 31. The commission finds that U S West has had significant violations of this rule in the Akron and Otis exchanges prior to 1992. The difference in trouble report rates between party lines and the total exchange is symptomatic of the previously described problems with outside plant facilities and these problems have resulted in the commission making a number of findings regarding rule violations.

YWC raised the issue of whether the trouble report data of U S West is accurate because all multi-party customers may not be listed as having trouble if only one customer calls in the report.

U S West witnesses also testified that some trouble reports were being handled locally without use of the normal, commission-sanctioned trouble reporting system. This admission by U S West witnesses is similar to circumstances described in the Johnstown complaint, Docket No. 90F-078T. While the Company, through its statement of position and the testimony of U S West witness Hume, claimed that trouble reports taken by an answering machine at a local telephone number were being properly recorded in the U S West trouble report data base, the Company presented no factual evidence in support.

Despite the fact that we do not accept U S West's method for receiving local trouble reports, there is inadequate data in the record to support a finding at this time that U S West is violating Rule 6.1 regarding maintenance of accurate trouble report records.

However, we will direct our Staff to investigate this issue in order to determine how U S West handles reports of trouble affecting numerous customers, and in addition, to review whether, or how, customer trouble reports that are handled locally are included in the U S West trouble report data base. In order to accomplish this investigation, it will be necessary for Staff to review the answering machine tapes used locally by U S West, and the Company is ordered to provide these tapes to the Staff for review. The commission is concerned about another allegation made by YWC at page 8 of its statement of position, as well as in oral testimony presented by some of its witnesses. That is that U S West apparently refuses to receive trouble reports from

neighbors of customers who are experiencing difficulties with their telephone service. In light of the fact that many of these customers are located in remote areas, and that a customer with an out-of-service telephone cannot reasonably be expected to call in his or her own trouble report, strict application of this policy is unreasonable.

We hereby direct the Company to instruct its service representatives to receive and act upon, and not to refuse, complaint calls made by neighbors on behalf of a customer whose telephone is out of service.

The issue of whether U S West has violated Rule 14.1.3 regarding prompt burial of direct buried cable was raised by YWC in its initial complaint, during the hearing by some of the YWC witnesses such as Mr. Baker, and in YWC's statement of position. YWC acknowledged in its statement of position that U S West did bury cable after the commencement of the complaint case, however, it states that there is still much more unburied cable, and that this is an example of how U S West fails to install and maintain its network using safe and responsible engineering practices.

The OCC does not address this issue, but U S West did, both through the testimony of U S West witness Hume and in its statement of position. U S West states that when advised of exposed or abandoned wire, the Company promptly buried or disposed of the wire within a short period of time. The Company's Closing Statement of Position further declares that delays, which may appear to be neglected, are

often caused by the time it takes to engineer certain jobs, or to obtain required permits from government agencies.

Rule 14.1.3 does not actually specify a time frame for the burial of cable, but implicitly assumes that cable is buried at time of installation except in circumstances where the grade of the ground is to be changed. The arguments of both parties are reasonable depending on the amount of elapsed time between installation and burial of the cable. A time frame stretching from months to years to bury a cable is unreasonable. The Company should bury cables within 30 days of installation. If the Company cannot bury or dispose of the cable within 30 days because of an engineering problem or delays caused by outside agencies, the Company should notify the affected customer and provide a date in the future, in writing, when the Company expects to be able to bury the cable.

Since U S West has stated that it will promptly bury cable when notified by the public regarding the location of unburied cable, and YWC alleges that more cable still remains to be buried, the commission will require U S West to notify customers in Yuma and Washington counties, either by advertisement in a newspaper of general circulation in these counties, or through a statement on the bill, that it would appreciate receiving written reports of the location of any cable or wire that should be buried or rehung. U S West shall file in this docket a copy or example of such notice and the date

it was published. The Company shall also file in this docket a report describing such incidents of reports of unburied or fallen cable, as well as the Company's response to these reports.

Both the OCC and YWC allege in their Closing Statements of Position that Rule 10.2.3 regarding automatic *pro rata* bill adjustments by U S West when telephone service is interrupted for more than eight continuous hours is not being followed by the Company.

Public testimony supported the allegation that credits were not properly being provided by U S West. Since U S West witnesses Hume and Overturf testified that the Company does not answer service calls on Sundays, and that the large service area in these counties hinder efforts of U S West personnel to quickly restore service, it is proper that these refunds be automatically made to customers as required by the rule. The commission notes here that the recently published U S West telephone directory for the exchanges involved in this complaint incorrectly states the time period required to trigger a refund, but does state that the refund is automatically initiated by a trouble report.

U S West is currently under commission order to comply with this rule pursuant to Decision No. C90-1471, the Johnstown complaint decision. If U S West continues to be out of compliance with this rule at this time, sanctions may be in order. U S West is hereby ordered to comply with Rule 10.2.3 and to file a report in this docket

within sixty days after the effective date of this order. The report will include trouble report data and billing records which document the Company's implementation of this rule from the billing records of YWC witnesses (such as Messrs. Baker, Bennish, Lenz, and Ms. Spencer), who testified that this rule was not being followed by U S West. In addition, we hereby direct commission Staff to review this data and expand the scope of this review as necessary in order to determine whether U S West is complying with this rule in these counties as well as in its other service areas throughout the state. Again, U S West is ordered to comply with this rule.

In its statement of position, the OCC alleged that the Company violated Rule 7.2 by failing to notify its customers that they may have access to U S West supervisory personnel, or commission personnel concerning unresolved service problems. This allegation is based on testimony by YWC witnesses, such as Mr. Turnbow, Mr. Bennish, and Dr. Morgan, that some customers were not told by U S West service representatives when they called to lodge their complaints that they could talk to a supervisor or with Staff of the Public Utilities Commission. U S West did not address this issue.

We note that the local U S West telephone book for these exchanges contains language to the effect that a dissatisfied customer can contact the commission, and also provides a telephone number for the commission. However, we hereby direct the Company to immediately instruct its service representatives on the requirements of Rule 7.1.

A copy of documentation implementing this order shall be filed with the commission in this docket within 30 days after the effective date of this order.

Both YWC and OCC raised the issue of whether U S West is properly accepting and recording orders for service, primarily in rural areas, pursuant to Rules 2.20 and 6.2. Both parties cite public testimony (by Messrs Turnbow, Bennish, Kerst, and Block) to support the notion that U S West is effectively obstructing the placement of service or regrade orders by either quoting exorbitant costs or simply refusing to take the order on the grounds that nothing will be done before the implementation of RFIP II. Among other allegations, YWC charged that U S West is not abiding by the stipulation in Docket No. 90S-544T because it is not treating all existing four-party customers as held regrades within its held order reporting procedure. The OCC recommended that the commission insist on Company compliance with Rule 6.2 and further, that it require the Company to provide sufficient evidence of its compliance.

On pages thirteen and fourteen of its Closing Statement of Position, U S West raised some valid arguments concerning Rule 6.2.

First, U S West argued that the rule is primarily a reporting requirement without enforcement provisions. Second, as testified to by U S West witness Overturf, the reporting thresholds within Rule 6.2 have not been exceeded in the four Yuma and Washington Counties

exchanges. Mr. Overturf also testified that the Company treats all four-party customers in RFIP-certified exchanges as held regrades.

The Company does not do this in other exchanges in the Yuma and Washington Counties areas. Although there is sufficient evidence in this proceeding to demonstrate a lack of willingness on the part of U S West to accommodate at least some rural service requests, there also is some evidence to indicate that the Company has recently attempted to improve in this regard. Exhibit 30, the held service order report, demonstrates that some of the public witnesses who complained of U S West's failure to take their service orders are now on the U S West held service order list. These Complainants were scheduled to obtain service before the end of 1992. Within thirty days after the effective date of this order, U S West shall file with the commission a report regarding the status of these held service orders.

The commission will require U S West to abide by the portion of the stipulation in Docket No. 90S-544T concerning reporting of held service orders. In addition, the commission will require that U S West comply with the intent of Rules 2.20 and 6.2 regarding the taking of service applications from customers. We intend to address the problems regarding held service orders, including problems relating to delay of installation and inordinate numbers of held service orders in a separate docket that will investigate enforcement provisions for the current rules concerning held service orders.

At the expiration of forty-five days after the effective date of this order, the Staff shall report to the commission in open meeting regarding U S West's compliance with the various reporting provisions set forth in this order.

YWC has alleged that U S West is violating Rule 6.5 regarding maintenance of records of plant and facilities. Complainants did not establish that U S West was in violation of this rule. In fact, Company Exhibits 15 through 28, and Exhibits 34 through 37, demonstrate that U S West does have records regarding the location of outside plant.

Although YWC originally complained that U S West was violating Rules 11.2, 14.1.6, and 17, these complaints were not mentioned in YWC's final statement of position. These problems, where they exist, should be ameliorated by other actions we have taken in this order. In the RFIP docket, Docket No. 92A-109T, the commission directed U S West to prepare tariffs to allow customers to furnish their own service lines. Therefore, this request by Complainants has been addressed in another proceeding. Rule 17 (concerning the acceptable grades of service and requiring that telephone service providers should use their best efforts to regrade all customers to at least two-party service by November 1994) was recently changed

in the basic telephone service rules docket. It is, therefore, unnecessary to grant the relief associated with the rule.

The Emergency Service (E911) System. In its original complaint, YWC stated that the "committees," presumably committees formed in the counties to investigate the implementation of an E911 system, were told verbally that party lines would be eliminated by April 1992. There was no reference to when these verbal communications were made.

U S West devoted pages six through eight of its statement of position to discussion of this allegation. Primarily, U S West stated that no county official was willing to testify that anyone from U S West had ever stated that party lines would be eliminated by the cut-over to an E911 system. U S West witness Custer testified that he explained the difference between single- and four-party service to the county commissioners with whom he met to discuss E911, but that he did not believe he told them that the regrade of service in Yuma and Washington Counties from four-party service to single-party service would be completed in fourteen months. Exhibit 7, which is the E911 agreement between U S West and the counties, does not contain any reference to the four-party issue. Furthermore, the testimony of at least one county commissioner was that the counties would have proceeded with the E911 system regardless of the multi-party service status.

As correctly noted by U S West, an E911 system for multi-party customers lacks the automatic number identification ("ANI") capability, and, therefore, functions as basic 911, *i.e.*, the calls are received at a default central distribution point, namely, the default Public Safety Answering Point ("PSAP"); information is taken at the PSAP by the emergency dispatch person, and calls are routed to the applicable emergency service personnel. It appears from the evidence that only a small area of northwest Washington County, which is located in the Brush or Sterling exchange of U S West, would not be first routed to the Yuma and Washington Counties E911 center.

Because the two counties which comprise all of the U S West exchange areas will operate a common E911 system, potential problems with proper dispatch of multi-party service are minimal. However, the ANI feature is the main advantage of E911 service. The loss of this feature provides another reason to accelerate updating the outside plant in these counties. Because U S West is currently involved in efforts to implement 911 and E911 service in numerous areas of the State, and in order to foreclose the possibility of misunderstandings such as those that apparently developed in Yuma and Washington Counties, we hereby order the Company to give written notice regarding the status of party-line service in the area to be

served and of the affect of multi-party lines on the delivery of E911 service in that area to all current and future E911 providers.

YWC requested relief in the form of a refund of E911 surcharges. We do not believe such relief is appropriate. E911 service charges are collected by U S West for the counties. Only a portion of the charges is used to pay for the portion of E911 service that is jurisdictional to this commission. The remainder of the funds collected is used by the counties to provide the services which are their responsibility, e.g., dispatch of emergency service personnel.

Contrary to the understanding appar-ently held by Complainants, the surcharges collected by U S West for the counties are not retained by U S West. Therefore, Complainants must direct any efforts to obtain refund of 911 surcharges directly to the counties.

Rate Relief. In the original complaint by YWC, it stated that inadequate service was being provided to rural areas in Yuma and Washington Counties. In its statement of position, YWC broadened its focus and claimed that the telephone service is inadequate throughout the "communities" in the counties.

In its statement of position, YWC essentially requested that the U S West franchise over the four exchanges in Yuma and Washington Counties be revoked. In addition, Complainants sought refunds for past service inadequacy of about \$5 million, plus an

"avoided" cost of about another \$6 million since U S West will not be required to include these exchanges in its RFIP if its franchise is revoked. The evidence marshalled in this proceeding leads us to the conclusion that most of the Company's in-town customers are receiving reasonably adequate service. This was demonstrated in Exhibit 10-13 regarding "loss readings" (See discussion pages 20-24, *supra*), which showed readings for in-town customers within the range allowed by commission rules. In addition, the low overall trouble report rates in the Yuma and Wray exchanges over the last thirty months and for all four exchanges for 1992; the percentage of rural Complainants versus town Complainants; and other factors lead us to the conclusion that U S West is delivering adequate service to the majority of its customers in Yuma and Washington Counties, and that its service is improving as a result of the complaint brought by YWC and the serious allegations contained therein. Based on the record, it does not appear that the franchise could be or should be summarily revoked for all areas in the four exchanges. We will note here, however, that we are certain that the poor service provided by the Company to its rural, party-line customers in these areas has negatively impacted the entirety of this closely knit community since the ability of all members to effectively communicate with friends and relatives who are U S West rural party-line customers has been impaired. It is also important to recognize here that representatives from neighboring independent telephone companies who were present at the hearings in this case, did not come forward to inform the commis-

sion of their interest in serving, or ability to serve, any or all of the exchanges involved in this case. Finally, we find that the financial relief in the form of refunds requested by YWC is simply excessive, and appears to include revenues not within the jurisdiction of this commission.

However, the commission does agree with Complainants that some rate relief is warranted. Effective immediately, all exchange zone increment charges and rural zone mileage charges for party-line customers in the four exchanges are suspended. This rate reduction will provide appropriate rate relief to those party-line customers located farthest from the central office and who have been most adversely affected by the inadequate plant facilities. This rate reduction shall continue in effect for each customer until the customer is regraded to single-party service. For three months following the effective date of this order, the jurisdictional charge for local exchange service is reduced to one dollar per month for all party-line customers. The collectible amount remaining approximates the billing and collection costs of the Company, and is sufficient to cover this one component of the cost of service provided to party-line customers that may have functioned adequately over the last year. For all other customers in the Yuma and Washington Counties exchanges, local exchange and any exchange zone increment charges shall be reduced by 20 percent for all basic local exchange access lines in the four exchanges for the three months following the effective date of this

order. This measure of damage is designed to redress damages sustained by these customers due to their inability to communicate with rural party-line customers in these exchanges.

The basic local exchange rate for party-line service (currently about \$10 per month for a residential customer) shall be billed at one-half its currently tariffed price for the three-month period immediately following the effective date of this order. If, within the three months immediately following the effective date of this order, the Company cannot implement a solution to the multiple pickup problems experienced by party-line Complainants, other than regrading customers, then the basic local exchange rate for party-line service will remain at one-half its currently tariffed value until the customer is regraded to single-party service. The remaining collectible amount of approximately five dollars will cover the billing component of service, as well as a portion of the local service costs. Since the local exchange service of such customers would continue to be at least partially impaired as we have described in this order, this reduction is reasonable.

If the Company can implement a solution to the multiple pickup problems prior to the expiration of the three-month period immediately following the effective date of this order, then the rates of party-line customer shall be reduced to one-half of the currently tariffed value only until the commission issues an order that the

service is again adequate. In order for the commission to make such a determination, the Company must first file milliamperes test results in this docket for the customer on each party line farthest from the central office when the party-line mate closest to the central office goes off-hook. A current reading of at least fifteen milliamperes or more will be deemed adequate service for these customers.

We estimate that the rate relief granted herein amounts to about \$115,000 for the first three months immediately following the effective date of this order. Depending on the ability of the Company to solve the multiple pickup problem on party lines, an additional amount of between \$25,000 to about \$105,000 may be generated by November 1993.

THEREFORE THE COMMISSION ORDERS THAT:

1. U S West Communications, Inc., shall comply with all directives within this Decision, including but not limited to:
 - a. Providing to commission Staff within fifteen days of the effective date of this order, answering machine tapes used locally by U S West;
 - b. Burying cables within thirty days of installation or notifying customer in writing of a date when the Company expects to be able to bury the cable;
 - c. Customer notification in Yuma and Washington counties:

- (1) Soliciting written reports of the location of any cable or wire that should be buried or rehung;
- (2) Filing in this docket a copy or example of such notice with the date it was published; and
- (3) Filing in this docket within forty-five days a report describing such incidents of reports of unburied or fallen cable, as well as the Company's response to these reports;

d. Automatic *pro rata* bill adjustment:

(1) Rule 10.2.3; and,

(2) Filing a report in this docket within sixty days after the effective date of this order;

e. Notification:

(1) To its customers that they may have access to U S West supervisory personnel or commission personnel concerning unresolved service problems; and

(2) Immediate instruction of U S West service representatives on the requirements of Rules 7.1 and 7.2, with documentation of the implementation filed with this commission within thirty days of the effective date of this Order.

f. Filing a report regarding the status of held service orders.

g. Written notice regarding the status of party-line service and of the affect of multi-party lines on the delivery of E911 service to all current and future E911 providers.

h. Rate relief as discussed.

i. Filing milliamperes test results in this docket.

j. Filing documentation of implementation of this Order.

2. U S West Communications, Inc., shall provide a preliminary report to the commission within two weeks after the effective date of this Order and a final recommendation on correction of the multiple pickup problem on party lines within thirty days after the effective date of this Order. (The commission fully expects U S

West Communications, Inc., has prudently prepared to implement a solution to this problem by the date of this Decision.) Besides the possible solutions referenced in Exhibit 39, we direct the Company to consider removal of all bridge lifters as an interim solution, particularly central office based bridge lifters, within the initial report. (Central office based bridge lifters are basically used to tie together separate access lines at the central office. They do not conserve feeder plant facilities.)

3. The commission will give the Company a reasonable amount of time to update its outside plant in these exchanges by regrading all party lines in the four exchanges under RFIP II. Since the Company has been aware of this complaint for many months and has offered to accelerate these exchanges in the RFIP as early as the initial Answer to the complaint by the Company dated June 12, 1992, a completion date by or before the end of 1993 should be within reason, particularly if U S West Communications, Inc., employs distribution radio technology in these exchanges. However, we direct U S West Communications, Inc., to accelerate these exchanges under RFIP II for regrading of all customers by December 1, 1993. As the decision in Docket No. 92A-109T will provide financial incentive to regrade party-line customers as quickly as possible, this should deter the Company from downgrading other exchanges in RFIP II. As a further deterrent, we will direct our Staff to monitor the construction activities of U S West Communications, Inc., relative to downgrading

any exchanges. If downgrading occurs, adjustments may be forthcoming within the RFIP funding mechanism. For any party-line customer in the Washington and Yuma Counties area exchanges of U S West Communications, Inc., not regraded by or before December 1, 1993, no investment allowance in RFIP II shall be given.

4. A hearing in mid-December of 1993 will be scheduled to close out this docket and determine the compliance of U S West Communications, Inc., with the orders contained within this Decision.

5. Commission Staff is hereby directed to comply with directives within this Decision, including but not limited to:

- a. Reviewing the "bill adjustment" report provided by U S West Communications, Inc., to determine whether U S West Communications, Inc., is complying with the automatic *pro rata* bill adjustment rule, Rule 10.2.3 and this Decision; and,
- b. Broadening the scope of this review as necessary to determine whether U S West is complying with this rule in Yuma and Washington Counties as well as in its other service areas throughout the State;

6. At the expiration of forty-five days after the effective date of this Order, the Staff shall report to the commission in open meeting regarding U S West Communications, Inc.'s compliance with the various reporting provisions set forth in this Order.

7. The twenty-day time period provided for by § 40-6-114(1), C.R.S, to file an application for rehearing, reargument, or reconsideration begins on the first day after the mailing or serving of this Decision and Order.

This Order is effective upon its Mailed Date.

ADOPTED IN OPEN MEETING January 13, 1993.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

G:\EOSS\SAW\8TURNBOW.FIN\AMM:lp:srs