

STATE OF ALASKA

THE ALASKA PUBLIC UTILITIES COMMISSION

Before Commissioners:

Sam Cotten, Chairman
Alyce A. Hanley
Dwight D. Ornquist
Tim Cook
James M. Posey

In the Matter of the Tariff Revi-)
sion, Designated as TA11-489, as) U-97-210
Amended, Filed by GCI COMMUNICATION)
CORP. d/b/a GENERAL COMMUNICATION,) ORDER NO. 7
INC., and d/b/a GCI To Add Provi-)
sions for Black Dot Listings to Its)
Tariff)

ORDER APPROVING TARIFF REVISION AND REQUIRING FILING

BY THE COMMISSION:

At issue in this proceeding is the filing by GCI COMMUNICATION CORP. d/b/a GENERAL COMMUNICATION, INC., and d/b/a GCI (GCI), to add rates, terms, and conditions to its tariffs for Black Dot Listings (BDLs). BDLs indicate, by way of a black dot next to a subscriber's name, which individuals do not wish to receive telephone solicitations. Legislation (ch 142 SLA 1996 (HB109)) permits local exchange telecommunications companies (LECs) to impose a reasonable charge for identification in the telephone directory of customers who do not wish to receive telephone

solicitations (identification charge) and for telephone solicitors to obtain a list of those customers (list charge).¹

Docket U-96-124² was opened for the purpose of addressing the cost development for determining BDL identification charge and list charges (BDL charges) in a uniform manner. The Commission stated that it did not intend to grant permanent approval of any rates for the BDL services until uniform rate development methods or standards were adopted. The issues in Docket U-96-124 have been decided by the filing of a stipulation.³

By Order U-97-210(1), dated September 10, 1997, the Commission, among other things, suspended the permanent operation of GCI's BDL tariff revision, designated as TA11-489. By Order U-97-210(5), dated October 27, 1998, the Commission further extended the suspension period for the permanent operation of GCI's BDL tariff revision.

¹That legislation became effective November 4, 1996.

²That proceeding is entitled: *In the Matter of the Establishment of Standards for Permitting Local Exchange Telephone Companies To Impose Charges under AS 45.50.475.*

³By Order U-96-124(4), dated May 20, 1998, the Commission approved a stipulation, subject to conditions, regarding the proper guidelines for the implementation and determination of rates for BDL charges. Specifically, the parties to the stipulation agreed that BDL costs are appropriately recovered through nonrecurring charges. The stipulating parties agreed that the appropriate customer BDL identification charge is the LEC nonrecurring subsequent service order charge or directory change charge (if tarified), and the BDL list should be based on the following costs: processing of the list request (e.g., invoicing), production of the list, the cost of the diskette, and any programming costs necessary to set up the identification list. Any fixed costs such as programming should be amortized over its useful life.

By Order U-97-210(4),⁴ dated September 16, 1998, the Commission required each local exchange carrier with a pending BDL tariff revision to submit either a revised tariff or a statement indicating that the pending tariff revision complies with the stipulated methodology for determining BDL rates. On October 12, 1998, GCI submitted a revised tariff containing BDL provisions (TA11-489, as amended).⁵

TA11-489, as amended, provided that (1) the identification charge for BDL was GCI's nonrecurring directory change charge; and (2) the identification list charge would be \$25. The identification list charge stated in the amended TA11-489 reflected a reduction from the \$500 identification list charge stated in the previous version of TA11-489.

GCI's compliance filing did not indicate that it had charged for any BDL identification lists under TA11-489, and, thus, the Commission is unsure whether a refund may be required. GCI stated that the BDL rates are pass-through rates and the amended

⁴That Order was issued as part of the joint decision published as Order U-97-24(5)/U-97-25(5)/U-97-26(5)/U-97-38(5)/U-97-39(5)/U-97-40(5)/U-97-160(4)/U-97-161(5)/U-97-163(4)/U-97-192(3)/U-97-163(4)/U-97-192(3)/U-97-193(4)/U-97-210(4)/U-97-234(3)/U-98-1(4), dated September 16, 1998. Hereinafter, that Order will be referred to as "Order No. 4."

⁵GCI filed its revised BDL tariff as TA47-489. However, the filing is an amendment to TA11-489 rather than a new tariff filing and is referred to in this Order as "TA11-489, as amended." Order U-97-210(5) referred to the amended version of TA11-489 as TA47-489. GCI's TA47-489 was assigned to its filing for "add local one-month free" promotion. Accordingly, Order U-97-210(5) is corrected by this decision to replace references to "TA47-489" with "TA11-489, as amended."

TA11-489 is not expected to have any revenue or customer impact for GCI. While this statement indicates that no refunds will be necessary, it is vague and requires clarification. For that reason, Order U-97-210(5) required GCI to file by November 17, 1998, a statement indicating whether it had charged for Black Dot Listing identification lists, to state the amount of the charge for the list and to indicate whether a refund is required.

To date, GCI has not filed the clarification required by Order U-97-210(5). By this Order the Commission reiterates the requirement that GCI file the statement required by Order U-97-210(5). Should GCI fail to file that required information, it may be required to show cause why penalties should not be assessed for failure to comply with Commission directives.

By Order U-97-210(6),⁶ dated November 18, 1998, the Commission required the Commission Staff (Staff) to ensure that tariff revisions for BDL charges comply with the methodology delineated in the stipulation and file a report as to its analysis of each filing. On January 15, 1999, Staff filed the report required by Order No. 6.

Staff recommended that the Commission approve GCI's proposed identification and list charges on a permanent basis. Staff believed that GCI's current interim rates for the BDL

⁶That Order was issued as part of the joint decision published as Order U-97-24(7)/U-97-25(7)/U-97-26(7)/U-97-38(7)/U-97-39(7)/-U-97-40(7)/U-97-160(6)/U-97-161(7)/U-97-163(6)/-U-97-192(5)/U-97-193(6)/U-97-210(6)/U-97-234(5)/U-98-1(3)/-U-96-124(6). Hereinafter, that Order will be referred to as "Order No. 6."

identification charge (\$5) and list charge (\$25) conform to the methodology delineated in the stipulation. Staff recommended that tariff Sheet Nos. 81.4 and 170.3, filed October 12, 1998, be approved effective October 27, 1997. Staff also stated that GCI should be required to make refunds to all customers who have purchased a BDL list at the \$500.00 rate since the interim approval of the rate on October 27, 1997.

The Commission has reviewed Staff's report and concurs with Staff's recommendations. Staff's recommendation that tariff Sheet Nos. 81.4 and 170.3, filed October 12, 1998, be approved effective October 27, 1997, is accepted.

ORDER

THE COMMISSION FURTHER ORDERS:

1. The tariff revision, designated as TA11-489, as amended, filed by GCI Communication Corp. d/b/a General Communication, Inc., and d/b/a GCI is approved effective October 27, 1997.⁷

2. GCI Communication Corp. d/b/a General Communication, Inc., and d/b/a GCI shall refund the difference between the interim black dot list charge and the permanent black dot list charge, as more fully discussed in the body of this Order.

3. By 4 p.m., February 10, 1999, GCI Communication Corp. d/b/a General Communication, Inc., and d/b/a GCI shall file

⁷That tariff revision includes tariff Sheet Nos. 81.4 and 170.3, filed October 12, 1998. A validated copy of the approved tariff sheets will be returned to the utility by separate cover.

a statement indicating whether it has charged for Black Dot Listing identification lists, and if so, shall state the amount of the charge for the list and indicate whether a refund is required.

4. By 4 p.m., February 27, 1999, GCI Communication Corp. d/b/a General Communication, Inc., and d/b/a GCI shall file a statement containing the level of refund, the number of customers to whom a refund is owed, and a refund plan for current and former customers.

DATED AND EFFECTIVE AT ANCHORAGE, ALASKA, this 27th day of January, 1999.

BY DIRECTION OF THE COMMISSION
(Commissioner Tim Cook, not participating.)

(S E A L)