

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Revised Pages of the U.S. WEST COMMUNICATIONS, INC., Exchange and Network Services Tariff Introducing Changes to Tenant Solutions Offering)))))	<u>DOCKET NO. 99-049-T23</u> <u>REPORT AND ORDER</u>
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ISSUED: September 16, 1999

SYNOPSIS

The proposed tariff language exhibiting unacceptable vagueness and ambiguities, and likewise possibly conducting to anti-competitive arrangements, the Commission rejected the filing.

By The Commission:

PROCEDURAL HISTORY

On July 14, 1999, U.S. WEST COMMUNICATIONS, INC. ("USWC"), filed revised tariff pages to its Utah exchange and network services tariff, purporting to offer an enhanced package to tenants of multi-tenant buildings. The filing introduces the terms "preferred telecommunications provider" and "preferred Provider Agreement" without defining those terms or clarifying how such an agreement is supposed to impact competition for tenants' business.

The matter was referred to the Division of Public Utilities, Utah Department of Commerce (DPU) for review. On July 15, 1999, AT&T Communications of the Mountain West, Inc., filed a protest to the proposed revision expressing concerns about the effect of the tariff on USWC competitors. On August 17, 1999, DPU filed a memorandum recommending rejecting the tariff based on the concerns expressed above.

The concerns expressed above strike US as valid. Accordingly, the revisions should be rejected until resubmitted in a form which clearly delineates what USWC intends by the above terms, and in such form so as not to afford USWC an anti-competitive advantage. Accordingly, we enter the following ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

The following revised pages to USWC's Utah Exchange and Network Services Tariff, that is:

Section Page Release

- 5 66.1 3
- 5 66.2 3
- 5 66.3 3
- 5 66.4 1

be, and they are, rejected; and no refiling will be accepted which fails to meet the above concerns and directive.

Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

DATED at Salt Lake City, Utah, this 16th day of September, 1999.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary