

D.P.U. 93-97

Investigation by the Department on its own motion as to the propriety of the rates and charges set forth in the following tariff: M.D.P.U. No. 1, pp. 1.1, 32-35, filed with the Department on April 6, 1993, to become effective May 6, 1993, by Value-Added Communications, Inc. d/b/a Value Access Communications.

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                     FOR: VALUE-ADDED COMMUNICATIONS, INC.  
                             D/B/A VALUE ACCESS COMMUNICATIONS  
                             Petitioner

## I. INTRODUCTION

On April 6, 1993, Value-Added Communications, Inc. d/b/a Value Access Communications ("VAC" or "Company") filed a tariff with the Department of Public Utilities ("Department") that would introduce Inmate Calling Service. The proposed rates for Inmate Calling Service include mileage-based usage rates, automated operator service charges, and an inmate call accounting system surcharge.

On May 5, 1993, the Department issued an Order suspending VAC's tariff filing until November 6, 1993. In the suspension Order, the Department ordered VAC to file written testimony, a cost of service study, and rate of return documentation in support of its Inmate Calling Service rates; or, alternatively, to withdraw the proposed rates and file new rates for Inmate Calling Service that are less than or equal to the corresponding rates of New England Telephone and Telegraph Company ("NET") and AT&T Communications of New England, Inc. ("AT&T"). See Value-Added Communications, Inc., D.P.U. 93-97 (1993).

On June 4, 1993, VAC filed (1) a motion to defer cost of service study and rate of return documentation pending determination of an alternative mode of regulation for inmate calling services and (2) a petition for an alternative mode of regulation for inmate calling services. The petition was

docketed as D.P.U. 93-118. <sup>1</sup>

## II. ANALYSIS AND FINDINGS

The Department finds that VAC's motion to defer cost of service study and rate of return documentation pending determination of an alternative mode of regulation for inmate calling services is timely and meets Department requirements. See 220 C.M.R. § 1.04(5)(a). Nevertheless, the Department finds that VAC's motion is moot.

In its Order dated May 5, 1993, the Department offered VAC the option of either withdrawing its proposed rates for Inmate Calling Service and filing new rates that are less than or equal to the corresponding rates of NET and AT&T or filing written testimony, a cost of service study, and rate of return documentation in support of its proposed rates for Inmate Calling Service. Value-Added Communications, Inc., D.P.U. 93-97, at 2-3 (1993). The Department finds that VAC complied with this Order when it filed a tariff revision on June 9, 1993, approved by the Department on July 8, 1993.

The Department finds that further investigation into VAC's initial proposed rates for Inmate Calling Service in this docket

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<sup>1</sup> On June 9, 1993, VAC filed a tariff revision with the Department that would introduce Inmate Calling Service at rates that are equal to the corresponding rates of AT&T. The Department approved the tariff revision on July 8, 1993 and the tariff revision took effect on July 9, 1993.

is precluded by VAC's decision to file a revised tariff in compliance with the Department's Order, and the Department's approval thereof. The Department notes that issues related to the Company's proposal for an alternative mode of regulation for inmate calling services will be considered in D.P.U. 93-118.

### III. ORDER

Accordingly, after review and consideration, it is

ORDERED: That the investigation by the Department as to the propriety of the rates and charges set forth in the following tariff: M.D.P.U. No. 1, pp. 1.1, 32-35, filed with the Department on April 6, 1993, to become effective May 6, 1993, by Value-Added Communications, Inc. d/b/a Value Access Communications, be and hereby is dismissed.

By Order of the Department,