

ORIGINALDecision No. 63883

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into all Contracts of
GENERAL TELEPHONE COMPANY OF
CALIFORNIA which may be in
violation of Section 851 of the
Public Utilities Code.

Case No. 7083

OPINION AND ORDER

On March 21, 1961, the Commission instituted the investigation herein into all contracts of General Telephone Company, hereinafter sometimes called General, and in particular into the contracts between said company and Coaxial Systems Engineering Company, Southern Community Antenna Network, Inc., and Community TV Reception Company providing for the use of poles of said telephone utility, for the purpose of determining whether the Commission should authorize the leasing, assigning, disposing or encumbering of part of the property of General by the aforesaid companies.

On May 10, 1962, General filed its Consent to Order in which it stated that General has reached agreement with the community antenna television contractors operating in its area, and as the particular agreements are executed they will be filed with the Commission pursuant to the procedures of General Order No. 96-A. A copy of the form of agreement to be used is attached to the Consent to Order as Exhibit A.

General proposes and consents to the issuance of an order by the Commission in substantially the following terms:

1. General will file with the Commission copies of the form of all contracts covering services and/or facilities furnished by the company under other than filed tariffs, including:

- a. Contracts for joint occupancy of poles;
- b. Contracts providing for underground duct space;
- c. Contracts with the United States Armed Forces providing for services at other than filed tariffs; where such contracts contain classified matter, such classified matter will be omitted;
- d. Operating and billing contracts and amendments thereto with the Western Union Telegraph Company;
- e. All other contracts covering services and/or facilities furnished at other than filed tariffs.

2. General will furnish to the Commission as soon as practicable, but not later than January 1, 1963, a list of all existing contracts of the types enumerated in subparagraph No. 1 above.

3. General will, in the future, file with the Commission, in accordance with the procedures of General Order No. 96-A, copies of all such contracts and all amendments to such existing or future contracts, with, however, the following clauses in lieu of the jurisdictional provision required by paragraph X.A. of said General Order No. 96-A:

"The parties hereto agree that this contract shall be subject to such changes or modifications as may be required or authorized by any regulatory commission in the exercise of its lawful jurisdiction and any modification, revision, renewal or extension of this contract shall so state.

"The Company declares that the filing of this contract with the Public Utilities Commission, pursuant to the procedural requirements of General Order No. 96-A, is not to be construed as a public offering by the Company of the services or facilities herein above referred to."

The Commission has carefully considered the proposals of General as above set forth and finds that their adoption in the form hereinafter set forth would constitute compliance in essential respects with the objectives and purposes of this Commission investigation.

The filing of such contracts by General will not be construed by the Commission as a public holding out or as constituting evidence on that subject.

In view of the foregoing, it is not necessary to go to hearing as contemplated by the order instituting investigation herein.

Good cause appearing,

IT IS HEREBY ORDERED that:

1. General Telephone Company as soon as practicable, but not later than January 1, 1963, shall file with this Commission three copies of the form of all contracts covering services and/or facilities furnished by the said Company under other than filed tariffs, including:

- a. Contracts for joint occupancy of poles;
- b. Contracts providing for underground duct space;
- c. Contracts with the United States Armed Forces providing for services at other than filed tariffs; where such contracts contain classified matter, such classified matters will be omitted;
- d. Operating and billing contracts and amendments thereto with the Western Union Telegraph Company;
- e. All other contracts covering services and/or facilities furnished at other than filed tariffs.

2. General Telephone Company as soon as practicable, but not later than January 1, 1963, shall file with this Commission three copies of a list of all existing contracts of the types enumerated in ordering paragraph No. 1 above.

3. General Telephone Company shall, in the future, file with the Commission, in accordance with the procedures of General Order No. 96-A, copies of all such contracts and all amendments to such existing or future contracts, with, however, the following clauses in lieu of the jurisdictional provision required by paragraph X.A. of said General Order No. 96-A:

- a. The parties hereto agree that this contract shall be subject to such changes or modifications as may be required or authorized by any regulatory commission in the exercise of its lawful jurisdiction and any modification, revision, renewal or extension of this contract shall so state.
- b. The General Telephone Company of California declares that the filing of this contract with the Public Utilities Commission, pursuant to the procedural requirements of General Order No. 96-A, is not to be construed as a public offering by the said Company of the services or facilities herein above referred to.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of July, 1962.

George T. Crocker
President

Robert E. Marshall

Robert W. Long

Fredrick B. Hallock

Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.