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ORIGINAL

Decision No. 70347

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE WESTERN UNION TELEGRAPH COMPANY, a corporation, Complainant, vs. PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation, Defendant.	Case No. 8169
In the Matter of the Investigation of wide Area Telephone Service and Other Toll Service and Suspension of Tariffs Filed by Advice Letter Nos. 9034 and 9039 of THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY.	Case No. 8176

Thomas R. Matias; Walter Baker; Vaughan, Paul & Lyons, by John G. Lyons; for Western Union Telegraph Company, complainant.
Arthur T. George; Pillsbury, Madison & Sutro, by George H. Eckhardt, Jr. and R. W. Odgers, for The Pacific Telephone and Telegraph Company, defendant and respondent.
Thomas J. O'Reilly, by Max M. Misenar, for agencies of the Federal Government; Thomas M. O'Connor, by Robert R. Laughead, for the City and County of San Francisco; A. M. Hart and H. Ralph Snyder, Jr. for General Telephone Company of California; A. J. Terrell, for Hunt Foods and Industries; interested parties.
James G. Shields, for the Commission staff.

INTERIM OPINION AND ORDER

On April 21, 1965, The Pacific Telephone and Telegraph Company filed its Advice Letter No. 9034 with associated tariff sheets for the establishment of Wide Area Telephone Service (WATS). On April 23, 1965, it filed its Advice Letter No. 9039 to include additional connecting independent telephone company exchanges to which calls from WATS subscribers would be furnished at regular

message toll rates. On April 30, 1965, Western Union Telegraph Company filed its complaint herein and urged rejection of the filings made by Pacific Telephone. On May 11, 1965 the filings were temporarily suspended by the Commission. Eight days of public hearing in the matters were held before Examiner Emerson in San Francisco and the matters were submitted, after oral argument, on January 11, 1966.

On January 21, 1966, Pacific Telephone directed a letter to the Commission, stating in part: "Since the suspension is about to expire and it does not appear that a Commission decision will be received prior to the expiration date,[1/] the company has expressed its willingness to have the effective date of this offering deferred pending a decision." The letter requests permanent suspension of the tariffs transmitted with Advice Letters Nos. 9034 and 9039. On the same date, Pacific Telephone filed a new advice letter, Advice Letter No. 9225, by which the same service offerings are again made and by means of which, following appropriate suspension of the new filings the subject matters may be kept alive pending decisions in Cases Nos. 8169 and 8176.

Good Cause Appearing,

It Is Ordered as follows:

1. Tariff schedules filed by Advice Letters Nos. 9034 and 9039 of The Pacific Telephone and Telegraph Company are hereby permanently suspended.

2. Tariff schedules filed by Advice Letter No. 9225 of The Pacific Telephone and Telegraph Company are hereby suspended, as provided by statute, until the one hundred twentieth day, namely, June 20, 1966, after the date said tariffs would otherwise become effective if not suspended, unless otherwise hereafter ordered.

1/ February 20, 1966.

3. In all respects the record made in Cases No. 8169 and 8176 shall apply with equal force and effect to the subject matter of Advice Letter No. 9225 as said record applies to those matters pertaining to Advice Letters No. 9034 and 9039 and the tariffs hereinabove permanently suspended.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 15th day of FEBRUARY, 1966.

Frederick B. Holoboff
President

George G. Grover

Augustus

William M. Bennett

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.