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Decision No. 80987

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TELEPHONE ANSWERING SERVICES
OF CALIFORNIA, INC.,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

Case No. 9497

ORDER DENYING STAY

The complaint in this case was filed January 19, 1973, and requests that the Commission stay the effective date of and permanently suspend certain revised tariff sheets filed by defendant. The particular tariff sheets were revised by Advice Letter No. 10971 and became effective on January 20, 1973. Complainant has so framed its complaint in an attempt to bring its case within the ambit of Section 454 of the Public Utilities Code. Section 454 requires affirmative Commission action before a utility may increase its rates. However, the Commission has heretofore considered these tariff filings to be governed by Section 455 of the Code and by General Order 96-A(V)(A).^{1/} As such they become effective by

^{1/} "A new tariff sheet covering a service or commodity not theretofore furnished or supplied may be filed by the advice letter designated in Section III. Such tariff sheets, unless suspended by the Commission..., will become effective after not less than the regular statutory notice (30th calendar day after the filed date)."

passage of time and require no affirmative Commission action by resolution or otherwise. After the effective date of Section 455 tariffs, the Commission may alter or modify them, but only after a hearing.

The tariff sheets involved herein make Type B answering service equipment available to a larger group. It appears to the Commission that the defendant is thereby offering a "service or commodity not theretofore furnished or supplied." Therefore,

IT IS ORDERED that complainant's request for a stay of the effective date of defendant's new tariff sheets and for permanent suspension of said tariff sheets is denied. All other issues raised by the complaint will be the subject of further consideration.

Dated at San Francisco, California, this 23rd day of JANUARY, 1973.

Vernon L. Sturgeon
President

[Signature]
[Signature]
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

[Signature]

[Signature], Commissioner