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Decision No. 82788

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TELEPHONIC EQUIPMENT CORPORATION,
a corporation,

Complainant,

vs.

PACIFIC TELEPHONE and TELEGRAPH
COMPANY, a corporation,

Defendant.

ORIGINAL

Case No. 9271

Investigation on the Commission's
own motion into the promulgation of
a General Order providing for the
procedures and standards to be
followed for the interconnection
of customer-provided communications
terminal equipment to the tele-
communications facilities of
intrastate telephone utilities.

Case No. 9625

ORDER DENYING REHEARING OF
DECISIONS NOS. 81339 AND
82412 AND MODIFYING
DECISION NO. 82412

A petition for rehearing of Decision No. 82412 was filed by Telephonic Equipment Corporation (Telephonic) on February 15, 1974. Said petition challenges the consolidation of Case No. 9271 with Case No. 9625.

On May 25, 1973, The Pacific Telephone and Telegraph Company (PT&T) filed for rehearing of Decision No. 81339, a decision issued in Case No. 9271. Determination of this petition is still pending before us.

After having considered each and every allegation in the petitions of Telephonic and PT&T, and being of the opinion that good cause for rehearing has not been shown to exist, we are of the opinion that both petitions should be denied.

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However, on April 8, 1974, the Supreme Court of California issued an opinion on interconnection. It was therein determined that, with respect to the device being considered, the Commission could not require utility-provided protective couplers with their associated costs in the absence of a finding of actual or probable adverse effect upon the telephone system from said interconnection (Phonetele v. PUC, _____ Cal.3d _____ (1974).)

In Decision No. 81339 we did not, nor could we, make that required determination with respect to Telephonic's device (KTS-500). Thus, the Supreme Court's decision in Phonetele compels us to modify the interim relief granted in Decision No. 82412 as that relief applies to the KTS-500.

Accordingly, we will allow the connection of the KTS-500 to the telephone network through a protective coupler without charge. Alternative relief should also be provided in the event that PT&T is unable to provide a protective coupler fully compatible with the KTS-500.

THEREFORE, IT IS ORDERED that:

1. Decision No. 82412 is hereby modified to permit the interconnection of KTS-500's to the telephone network of The Pacific Telephone and Telegraph Company through protective couplers but without charge therefor pending final orders in Case No. 9625.

2. Decision No. 82412 is further modified to permit the interconnection of KTS-500's to the telephone network of The Pacific Telephone and Telegraph Company through interface devices, without protective features, whenever The Pacific Telephone and Telegraph Company is unable to furnish a protective coupler fully compatible with the KTS-500 within thirty days of a written request for said protective coupler.

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3. Rehearing of Decisions Nos. 82412, as modified, and 81339 are hereby denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 23rd day of APRIL, 1974.

Vernon L. Sturgeon
President
William J. ...
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Commissioners