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ORIGINAL

Decision No. 82852

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,

Complainant,

vs.

SOUTHERN PACIFIC COMMUNICATIONS
COMPANY,

Defendant.

Case No. 9728

Application of THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY, a corporation,
for authority to revise rates, charges
and rate structures for intrastate
voice grade private line services to
establish a new service offering
referred to as High Density - Low
Density Service.

Application No. 54839

In the Matter of the Suspension and
Investigation on the Commission's Own
Motion of Tariffs filed under Advice
Letter No. 1 by Southern Pacific
Communications Company.

Case No. 9731

ORDER CONSOLIDATING PROCEEDINGS

Complainant, The Pacific Telephone and Telegraph Company, alleges that defendant Southern Pacific Communications Company filed Advice Letter No. 1 with this Commission on April 12, 1974. This Advice Letter contains a proposed tariff for private line services within the State of California.

Complainant further alleges that defendant has not applied for and does not possess a certificate of public convenience and necessity from this Commission to begin construction of a public utility telephone or telegraph line, plant, or system, as is required by Section 1001 of the Public Utilities Code. Complainant also

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asserts that any authority which defendant may have from the Federal Communications Commission, even if applicable to California intra-state service, could not be exercised without a certificate of public convenience and necessity from this Commission pursuant to Section 1002 of the Public Utilities Code.

Complainant has also filed a protest to defendant's Advice Letter No. 1 and a request that the Advice Letter be rejected or, in the alternative, that the tariffs accompanying the Advice Letter be suspended and the subject matter be investigated by the Commission.

By a third and separate filing in Application No. 54839 complainant requests approval of a revised rate structure for private line service if the protest to defendant's Advice Letter No. 1 is rejected and the tariffs proposed by defendant are permitted to go into effect.

The Commission issued an Order of Suspension and Investigation into Advice Letter No. 1 of defendant on May 7, 1974. (Case No. 9731). The Commission believes that it is appropriate that these interrelated matters be heard on a consolidated record.

IT IS ORDERED that:

1. Case No. 9728, Application No. 54839, and Case No. 9731 are consolidated for hearing.

2. Defendant shall answer the complaint in Case No. 9728 within ten (10) days of service of this order. The letter of defects procedure set forth in Rule 12 of the Commission's Rules of Practice and Procedure is hereby waived so that this matter may proceed to hearing as soon as possible.

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The effective date of this order is the date hereof.
Dated at San Francisco California, this 9th day
of May, 1974.

President
William Lyman Jr.

Thomas Moran
[Signature]
Commissioners

Commissioner Vernon L. Sturgeon, being
necessarily absent, did not participate
in the disposition of this proceeding.

Commissioner J. P. Vukasin, Jr., being
necessarily absent, did not participate
in the disposition of this proceeding.