

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
THE PACIFIC TELEPHONE AND TELEGRAPH) Application No. 56467
COMPANY, a corporation, for an order) (Filed May 6, 1976)
authorizing it to enter into a lease)
pertaining to certain personal property.)

ORDER OF DISMISSAL

The Pacific Telephone and Telegraph Company requests an order of the Commission either (a) dismissing this application for lack of jurisdiction, or (b) authorizing it to enter into an Equipment Lease.

Under the Equipment Lease, Decimus Computer Leasing Corporation would lease electronic data processing equipment to applicant, and the scheduled lease term would be 87 months.

After consideration the Commission finds that:

1. Applicant would have no equity or reversionary interest in the leased property.
2. The Equipment Lease would be a true lease as distinguished from a conditional sales contract.
3. By Decision No. 83333, dated August 20, 1974, in Application No. 55095, this Commission clearly expressed to applicant herein the lack of jurisdiction over transactions wherein a public utility is lessee under a true lease.

On the basis of the foregoing findings we conclude that the application should be dismissed for lack of jurisdiction. A public hearing is not necessary.

IT IS ORDERED that Application No. 56467 is hereby dismissed.

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

Dated at San Francisco, California, this 25th day of MAY, 1976.

William J. Lyons President
James L. Stanger
Robert Baker Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.