

Decision 84 62 C10 February 1, 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARK BERNSLEY,

Complainant,

vs.

GENERAL TELEPHONE COMPANY OF
CALIFORNIA, a part of GENERAL
TELEPHONE & ELECTRONICS,

Defendant.

Case 83-01-07
(Filed January 31, 1983)

ORDER DENYING PETITION
TO MODIFY DECISION 83-10-088

On November 16, 1983, defendant General Telephone Company of California (General) filed a Petition for Modification of Decision (D.) 83-10-088, issued October 5, 1983, to be effective November 18, 1983. In that decision, we ordered General not to charge interest exceeding the 10% cap imposed by the California Constitution (Article XV), pending determination of the applicability of the usury law to its late payment charge. Such determination is to be made in the final decision to be issued in Application (A.) 83-07-02, General's pending rate case. Prior to D.83-10-088 General had been charging 18% interest.

In its Petition General requested that we delay the effective date of D.83-10-088 to January 1, 1984 or alternatively to December 1, 1983, so that the reduction could be implemented for all customers during the same billing cycle.

One reason expressed for making this request was that a delay until January 1, 1984 would permit any revenue decline resulting from the change to be considered by this Commission in our decision granting partial rate relief in A.83-07-02,

General's pending rate increase application. General maintained that if our decision became effective on November 18, 1983, it would experience a revenue shortfall of approximately \$400,000 for the remainder of 1983. General further reasoned that a delay until at least December 1, 1983 would avoid the possibility of customer anger and confusion arising from subjecting those billed in early November to an 18% late payment charge, and those billed on or after November 18 to only a 10% charge.

Finally, General contended that delay would also avoid customer confusion which might arise from one rate change in November (reduction of the late payment charge) and another rate change in January (rate increase).

General's petition was filed too late for us to act upon even if we had wished to. Now the issues raised by the petition are moot. Furthermore, we do not believe that implementation of D.83-10-088 on November 18, 1983 was unjust as to General or General's ratepayers. We note that General's interim rate decision, D.83-12-067, issued December 22, 1983, included a \$2.9 million increase in revenue requirement due to General's use of the 10% rather than the 18% rate on late payments. So, it is appropriate to dismiss General's petition.

Finding of Fact

General's petition was filed two days before the effective date of D.83-10-088, too late for timely Commission action on the issues raised by the petition.

Conclusions of Law

1. The issues raised by General's petition have become moot.
2. No injustice has or will result from the implementation of D.83-10-088 on its effective date.

IT IS ORDERED that General Telephone Company of
California's Petition to Modify Decision 83-10-088 is denied.

This order is effective today.

Dated FEB 1 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

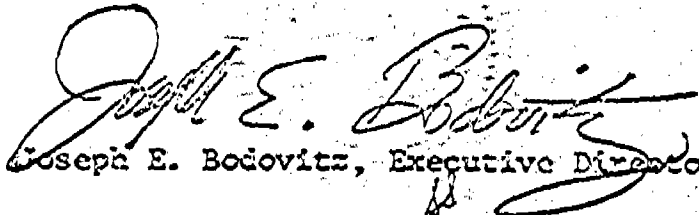
FRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

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