

L/HA:lq

Decision 84 C3 046 MAR 7 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation by rulemaking)
instituted on the Commission's)
own motion concerning monitoring)
of telephone conversations by)
persons or organizations providing)
their own terminal equipment.)

OII - Rulemaking 103
(Filed December 15, 1981)

ORDER DENYING STAY

On June 1, 1983, in Decision 83-06-021, we augmented General Order 107-A to assure that conversations placed over the public telephone network can be made in private regardless of the source of ownership of the equipment used to originate and terminate such conversations. In particular, we directed telephone companies to require as a condition of use of the public network that monitoring be conducted only when certain specified forms of notice are given. On October 19, 1983, in Decision 83-10-090, although denying petitions for rehearing filed by several parties, including Air Transport Association of America (ATAA), we modified General Order 107-B by establishing procedures for enforcement.

On November 18, 1983, ATAA filed a complaint with the U.S. District Court for the Northern District of California against the Commission seeking an order declaring General Order 107-B to be invalid and enjoining its enforcement. On December 14, 1983, ATAA filed an application with the Commission for a stay of General Order 107-B pending resolution of this litigation. In support of its request, ATAA asserted the need for additional research and briefing regarding our jurisdiction and General Order 107-B's constitutionality.

Having carefully considered this request, we now conclude that ATAA has presented no compelling reason why General Order 107-B should now be stayed. It has neither demonstrated nor even asserted any irreparable harm if its application were denied. In fact, if it were granted, the public at large would face the prospect of the irreparable harm resulting from the unannounced invasion of their privacy.

Therefore, IT IS ORDERED that the application for stay of Decisions 83-06-021 and 83-10-090 is hereby denied.

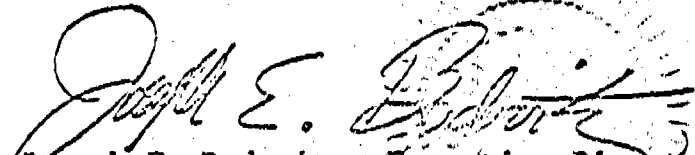
This order is effective today.

Dated MAR 7 1984, at San Francisco, California.

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.

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


Joseph E. Bodovitz, Executive Director

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Having carefully considered this request, we now conclude that ATAA has presented no compelling reason why General Order 107-B should now be stayed. It has neither demonstrated nor even asserted any irreparable harm if its application were denied. In fact, if it were granted, the public at large would face the prospect of the irreparable harm resulting from the unannounced invasion of their privacy.

Therefore, IT IS ORDERED that the application for stay of Decision 83-06-021 is hereby denied.

This order is effective today.

Dated MAR 7 1984, at San Francisco, California.

VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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