

Decision 84 OS C15

AUG 1 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumers Lobby Against
Monopolies, David L. Wilner
in pro per.,

Complainant,

vs.

The Pacific Telephone and
Telegraph Company, a California
Corporation,

Defendant.

Case 10066
(Filed March 9, 1976)

SUPPLEMENTAL OPINION

By Decision (D.) 93688 we accepted Arthur W. Simon's offer of professional services for creation of the Advocates Trust Fund (Trust) and directed the Pacific Telephone and Telegraph Company (now Pacific Bell) to disburse \$400 from the fund being held by them. The balance of Simon's fee, an additional \$400, was to be paid upon completion of the trust documents and proof of the Trust's tax exempt status.

In D.82-05-009, as modified by D.82-08-059, we adopted the Declaration of Trust and approved the appointment of the Pacific Union Bank and Trust Company as trustee. We also stated that Pacific Bell would be ordered to place into the Trust the sum it agreed to pay in D.93251, plus accumulated interest, when the tax exempt status of the Trust had been established.

We have now been furnished with copies of rulings from the Internal Revenue Service and the Franchise Tax Board which provide that the Trust is exempt from income and franchise taxes. Therefore, there is no reason to further delay placing into the Trust and money held by Pacific Bell. The balance due Simon should also be paid.

Findings of Fact

1. The tax exempt status of the Trust has been established.
2. The balance due Simon upon completion of his duties is \$400.

Conclusions of Law

1. Simon has completed his services as Special Counsel and should be paid the balance due him.
2. Pacific Bell should be ordered to place in the Trust the balance of the money it agreed to pay him in D.93251, plus accrued interest.
3. To avoid further delay in setting up the Trust, this order should be made effective today.

SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. Within 15 days from date of this order, Pacific Bell shall pay Arthur Simon, Esq., 294 Page Street, San Francisco, CA 94102, the sum of \$400 as the balance due for his services as Special Counsel. This amount to be taken from the account set up to hold the settlement money until the tax exempt status of the Trust was established.

2. Within 15 days from the date of this order, Pacific Bell shall forward to the Trustee, Pacific Union Bank and Trust Co., the balance of the money it agreed to pay in D.93251, plus accumulated interest, but less the \$400 paid to Simon under this order.

This order is effective today.

Dated AUG 1 1984 , at San Francisco, California.

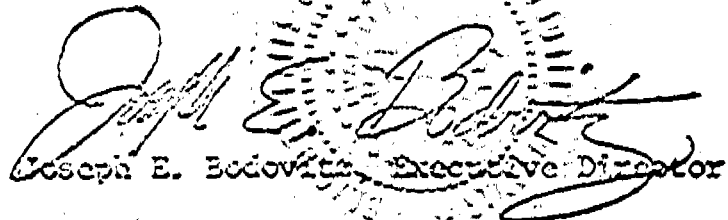
Commissioner Priscilla C. Grew,
being necessarily absent, did
not participate

Commissioner William T. Bagley
being necessarily absent, did
not participate.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
DONALD VIAL
Commissioners

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


Joseph E. Bedovita, Executive Director