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Decision 88 02 023

FEB 10 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of GTE MOBILNET OF SAN FRANCISCO LIMITED PARTNERSHIP (U-3002-C) for a Certificate and Necessity to Operate as a Reseller of Telecommunications Services Within California. (U-5142-C)	Application 87-10-012 (Filed October 14, 1987)

ORIGINAL

O P I N I O N

GTE Mobilnet of San Francisco Limited Partnership (applicant) has filed an application requesting that the Commission issue a certificate of public convenience and necessity under Public Utilities (PU) Code § 1001 to permit applicant to operate as a reseller of telephone services offered by communications common carriers providing telecommunications services in California.

By order dated June 29, 1983, the Commission instituted an investigation to determine whether competition should be allowed in the provision of telecommunications transmission services within the state (OII 83-06-01). Numerous applications to provide competitive service were consolidated with that investigation and by Interim Decision (D.) 84-01-037 dated January 5, 1984 and subsequent decisions, these applications were granted, limited to the provision of interLATA service and subject to the condition that applicants not hold out to the public the provision of intraLATA service pending our decision in the Order Instituting Investigation (OII).

On June 13, 1984 we issued D.84-06-113 in OII 83-06-01 denying the applications to the extent not previously granted and directing persons not authorized to provide intraLATA telecommunications services to refrain from holding out the

availability of such services and to advise their subscribers that intraLATA communications services should be placed over the facilities of the local exchange company.

Pacific Bell filed a protest to the part of the application that requests intraLATA authority. It does not oppose the granting of interLATA authority. Since we are not authorizing intraLATA service, the protest is moot.

There is no basis for treating this applicant any differently than those which filed earlier. Therefore, this application will be granted to authorize interLATA service, and to the extent that it requests authorization for intraLATA service it will be denied.

We note that GTE Mobilnet is one of two carriers authorized to provide wholesale cellular service in its service area. GTE Mobilnet has represented in its application that it will charge no more than comparable AT&T-Communications rates to its interLATA resale customers. To alleviate any possible concern regarding long distance rates for GTE Mobilnet cellular customers, we will adopt this representation as a condition of granting this application.

Findings of Fact

1. By D.84-01-037 the Commission authorized interLATA entry generally.

2. By D.84-06-113 the Commission denied applications to provide competitive intraLATA telecommunications service and required persons not authorized to provide intraLATA telecommunications service to refrain from holding out the availability of such services and to advise their subscribers that intraLATA communications should be placed over the facilities of the local exchange company.

3. There is no basis for treating this applicant differently than those which filed earlier.

4. Because of the public interest in effective competition interLATA this order should be effective today.

5. As a telecommunications service supplier, applicant should be subject to the 4% interim surcharge on gross intrastate interLATA revenues and the conditions as set forth in D.87-07-090.

6. Applicant should be subject to the user fee as a percentage of gross intrastate revenue pursuant to PU Code §§ 431-435. The fee is currently .1% for the 1987-88 fiscal year.

7. Applicant is a partnership providing wholesale cellular radiotelephone services in the greater San Francisco Bay Area (U-3002-C). Since applicant also wishes to resell telecommunications services statewide, it must set up separate accounting for such business, file separate tariffs for such business, and operate its resale business under a corporate identification number different from its cellular carrier corporate identification number (U-3002-C).

8. In its application, GTE Mobilnet stated that it would charge rates no higher than those charged by AT&T-Communications. To alleviate any possible concerns regarding long distance rates for GTE Mobilnet's cellular customers, it is appropriate to adopt this provision as a requirement for GTE Mobilnet's interLATA service.

Conclusion of Law

This application should be granted in part to the extent set forth below.

O R D E R

IT IS ORDERED that:

1. The application of GTE Mobilnet of San Francisco Limited Partnership, is granted to the limited extent of providing the requested service on an interLATA basis, subject to the condition that applicant refrain from holding out to the public the provision of intraLATA service and subject to the requirement that it advise its subscribers that intraLATA communications should be placed over the facilities of the local exchange company.

2. To the extent that the application requested authorization to provide intraLATA telecommunications services, the application is denied.

3. Applicant is authorized to file with this Commission, 5 days after the effective date of this order, tariff schedules for the provision of interLATA service. Such interLATA service tariffs will be filed separately from its cellular service tariffs, will be filed separately from its cellular service tariffs and shall contain rates no higher than those charged by AT&T-Communications for similar service. Applicant may not offer service until tariffs are on file. If applicant has an effective FCC-approved tariff, it may file a notice adopting such FCC tariff with a copy of the FCC tariff included in the filing. Such adoption notice shall specifically exclude the provision of intraLATA service. If applicant has no effective FCC tariffs, or wishes to file tariffs applicable only to California intrastate interLATA service, it is authorized to do so, including rates, rules, regulations, and other provisions necessary to offer service to the public. Such filing shall be made in accordance with General Order (GO) 96-A, excluding Sections IV, V, and VI, and shall be effective not less than 1 day after filing.

4. Applicant is authorized to deviate on an ongoing basis from the requirements of GO 96-A in the following manner: (a) to deviate from the pagination requirements set forth in paragraph II.C.(1)(b) which requires consecutive sheet numbering and prohibits the reuse of sheet numbers, and (b) to deviate from the requirements set forth in paragraph II.C.(4) that "a separate sheet or series of sheets should be used for each rule." Tariff filings incorporating these deviations shall be subject to the approval of the Commission Advisory and Compliance Division's Telecommunications Branch. Tariff filings shall reflect the 4% interim surcharge noticed in Ordering Paragraph 7.

5. If applicant fails to file tariffs within 30 days of the effective date of this order, applicant's certificate may be suspended or revoked.

6. The requirements of GO 96-A relative to the effectiveness of tariffs after filing are waived in order that changes in FCC tariffs may become effective on the same date for California interLATA service for those companies that adopt the FCC tariffs.

7. Applicant is subject to the 4% interim surcharge applicable to the gross revenues of intrastate interLATA services as outlined in D.87-07-090 in Order Instituting Investigation 83-11-05 dated July 29, 1987. The 4% interim surcharge collected shall be retained in an interest bearing account pending further order of the Commission. Applicant will establish accounting methods to separate its interLATA services from its cellular services.

8. Applicant is subject to the user fee as a percentage of gross intrastate revenue pursuant to PU Code §§ 431-435.

9. The corporate identification number assigned to GTE Mobilnet of San Francisco Limited Partnership's telecommunication resale business is U-5142-C which should be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

10. The application is granted in part and denied in part as set forth above.

This order is effective today.

Dated FEB 10 1988, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
Commissioners

Commissioner John B. Ohanian, being necessarily absent, did not participate.

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

Victor Weisser, Executive Director

AB

ALJ/BEB/fs

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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O P I N I O N

GTE Mobilnet of San Francisco Limited Partnership (applicant) has filed an application requesting that the Commission issue a certificate of public convenience and necessity under Public Utilities (PU) Code § 1001 to permit applicant to operate as a reseller of telephone services offered by communications common carriers providing telecommunications services in California.

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availability of such services and to advise their subscribers that intraLATA communications services should be placed over the facilities of the local exchange company.

Pacific Bell filed a protest to the part of the application that requests intraLATA authority. It does not oppose the granting of interLATA authority. Since we are not authorizing intraLATA service, the protest is moot.

There is no basis for treating this applicant any differently than those which filed earlier. Therefore, this application will be granted to authorize interLATA service, and to the extent that it requests authorization for intraLATA service it will be denied.

Findings of Fact

1. By D.84-01-037 the Commission authorized interLATA entry generally.

2. By D.84-06-113 the Commission denied applications to provide competitive intraLATA telecommunications service and required persons not authorized to provide intraLATA telecommunications service to refrain from holding out the availability of such services and to advise their subscribers that intraLATA communications should be placed over the facilities of the local exchange company.

3. There is no basis for treating this applicant differently than those which filed earlier.

4. Because of the public interest in effective competition interLATA this order should be effective today.

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6. Applicant should be subject to the user fee as a percentage of gross intrastate revenue pursuant to PU Code §§ 431-435. The fee is currently .1% for the 1987-88 fiscal year.

Conclusion of Law

This application should be granted in part to the extent set forth below.

O R D E R

IT IS ORDERED that:

1. The application of GTE Mobilnet of San Francisco Limited Partnership, is granted to the limited extent of providing the requested service on an interLATA basis, subject to the condition that applicant refrain from holding out to the public the provision of intraLATA service and subject to the requirement that it advise its subscribers that intraLATA communications should be placed over the facilities of the local exchange company.

2. To the extent that the application requested authorization to provide intraLATA telecommunications services, the application is denied.

3. Applicant is authorized to file with this Commission, 5 days after the effective date of this order, tariff schedules for the provision of interLATA service. Applicant may not offer service until tariffs are on file. If applicant has an effective FCC-approved tariff, it may file a notice adopting such FCC tariff with a copy of the FCC tariff included in the filing. Such adoption notice shall specifically exclude the provision of intraLATA service. If applicant has no effective FCC tariffs, or wishes to file tariffs applicable only to California intrastate interLATA service, it is authorized to do so, including rates, rules, regulations, and other provisions necessary to offer service to the public. Such filing shall be made in accordance with General Order (GO) 96-A, excluding Sections IV, V, and VI, and shall be effective not less than 1 day after filing.

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5. If applicant fails to file tariffs within 30 days of the effective date of this order, applicant's certificate may be suspended or revoked.

6. The requirements of GO 96-A relative to the effectiveness of tariffs after filing are waived in order that changes in FCC tariffs may become effective on the same date for California interLATA service for those companies that adopt the FCC tariffs.

7. Applicant is subject to the 4% interim surcharge applicable to the gross revenues of intrastate interLATA services as outlined in D.87-07-090 in Order Instituting Investigation 83-11-05 dated July 29, 1987. The 4% interim surcharge collected shall be retained in an interest bearing account pending further order of the Commission.

8. Applicant is subject to the user fee as a percentage of gross intrastate revenue pursuant to PU Code §§ 431-435.

9. The corporate identification number assigned to GTE Mobilnet of San Francisco Limited Partnership is U-3002-C which should be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

10. The application is granted in part and denied in part as set forth above.

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Dated _____, at San Francisco, California.

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