

Decision 88 04 005 APR 13 1988

APR 13 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AMVOX, INC.,)
)
 Complainant,)
)
 vs.)
)
 PACIFIC BELL,)
)
 Defendant.)
)
 (U 1001 C))

Case 87-12-041
(Filed December 22, 1987)

ORDER OF DISMISSAL

The divestiture of Pacific Bell (Pacific) from AT&T on January 1, 1984 and the resultant loss of Bell Laboratories and Western Electric facilities created the need for Pacific to continually evaluate new and existing technologies to ensure efficient use of the network, to discover new sources of revenue, and to maintain competitiveness. New technologies must be tested on a small scale in a controlled environment, in a proprietary manner, and expeditiously, prior to marketing.

Pacific in May 1986 developed a technology test proposal designed to test its network compatibility with a new software technology developed by Voice Message Desk Systems, Inc. (VMDS). The VMDS software product, which interfaces with a central office switch to collect messages for a customer, is considered "casual" because there is no need for a local exchange customer to subscribe to the service. The customer merely calls VMDS' Message-Desk to activate call answering whenever the service is desired. Callers with messages are then routed via Pacific's call-forwarding feature to the VMDS Message-Desk. Accompanying the call is Pacific provided signaling information, which allows the VMDS software to set up a voice mailbox for the specific number called. The message

is recorded and the customer is alerted to its existence by a stutter dial tone. The customer can then play back the message, learning the date and time it was left.

Bell's proposal, in the form of a "Technology Field Test," was presented to the Commission staff which at about the same time had initiated cooperative discussions with Pacific to determine guidelines which were to be used by Pacific in performing technology tests and market trials. These guidelines were adopted by the Commission by Resolution No. T-11083 in December 1986. Pacific's proposal, as amended, was determined on June 3, 1987 to be in compliance with the Resolution guidelines, and Pacific began the test in Corona Del Mar in November 1987 with VMDS. The trial utilizes certain already tariffed Pacific services as well as a software designed by VMDS. Some of Pacific's services are being provided without charge in this trial.

AMVOX, Inc. of Los Gatos, California, a communications firm in the business of deploying voice messaging systems in California, with an asserted 27 systems in place in 11 different locations, concluded that the Pacific-VMDS trial violated the Appendix A guidelines of the Commission's Resolution, and if continued would make it virtually impossible for AMVOX or other companies to sell their service.

Accordingly, AMVOX on December 22, 1987 filed the present complaint for a cease and desist order as well as for Pacific to refund any revenues collected. On February 3, 1988 Pacific responded with its answer and a motion to dismiss. Since then AMVOX and Pacific have reached an equitable resolution relative to AMVOX's complaint, and by a filing mailed February 17, 1988 AMVOX asks that its complaint be dismissed without prejudice.

Therefore, IT IS ORDERED that Case 87-12-041 filed December 22, 1987 is dismissed without prejudice.

This order is issued under Public Utilities Code Section 308 and Resolution A-4638.

This order is effective today.

Dated APR 13 1988, at San Francisco, California.



VICTOR WEISSER
Executive Director

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



Victor Weisser, Executive Director

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