

Decision 88 05 073 MAY 25 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application for Rehearing of
Resolution No. T-12015.)

In the Matter of Resolution)
No. T-12015: Commission Approval)
of Pacific Bell Advice Letter No.)
15224 and Denial of Protests of)
Omniphone, Inc. and Sable)
Communications of California, Inc.)

Application 87-05-049
(Petition for Modification
filed April 28, 1988)

ORDER MODIFYING DECISION 88-04-077

Decision (D.) 88-04-077, issued on April 27, 1988, orders Pacific Bell and GTE California to file advice letters revising the associated tariff sheets to prospectively provide that all one-time adjustments for 976 calls shall be recharged in full to the appropriate information provider's account.

On April 28, 1988, the Information Providers Association (IPA) filed a Petition for Modification of D.88-04-077 requesting, inter alia, clarification that the full chargeback policy in D.88-04-077 applies only to 976 calls made after the effective date of any tariff sheets implementing D.88-04-077.

D.88-04-77 is unclear as to exactly which calls the full chargeback policy will apply. It is the Commission's intent that the full chargeback policy in D.88-04-77 apply to 976 calls made on or after the effective dates of the advice letters revising the associated tariff sheets.

Pacific Bell and General Telephone have filed advice letters which interpret D.88-04-077 in a manner consistent with this order.

On May 11, 1988, Pacific Bell filed a response to IPA's Petition for Modification, noting that Pacific Bell's tariff filing

fully satisfies IPA's concern over the applicability of the new chargeback policy.

IPA has also filed a Supplement to its Petition for Modification of D.88-04-077. In its earlier Petition IPA proposed that implementation of the new chargeback policy be postponed pending further review of the policy for the adjustment of customer 976 charges. In the Supplement, IPA proposes, as an alternative approach, that the Commission implement a 60-day time limit on the customer adjustment policy.

In D.87-08-064 the Commission stated:

"...that 60 days from the telephone billing date is a reasonable period of time for a typical residential customer to receive a bill with 976 charges, comprehend the charges, and take appropriate action to control the dialing of 976 calls. 976 charges appearing on that bill, plus charges incurred within 60 days of the billing date, would then be subject to adjustment."

The Commission ordered the parties to:

"...confer and propose an appropriate form of customer notice concerning the 60-day time limitations on the one-time adjustment policy by compliance filings to be made within 30 days of the effective date of this order. The Commission will review such filings and approve an appropriate customer notice, after which Pacific and General Telephone will be required to file revised tariff provisions concerning the 60 day limitations."

Omniphone, Inc. and Pacific Bell made compliance filings containing different proposed customer notices. Apparently, the parties did not meet and confer prior to submitting compliance filings. Omniphone's compliance filing cited lack of time and a busy schedule as preventing the parties from conferring.

If, as IPA asserts in its Supplement to the Petition for Modification, prompt adoption of a 60-day limit to the adjustment policy is "vital" to the interests of Information Providers in

California, the Information Providers should act promptly to meet and confer with Pacific Bell, General Telephone, DRA and other interested parties for the purpose of preparing a proposed customer notice of the 60-day limitation.

The IPA Supplement to the Petition to Modify D.88-04-077 also relates back to D.87-08-064 and proposes certain modifications to clarify alleged ambiguities in the earlier order. A Petition to Modify D.88-04-077 is not an appropriate vehicle for modifying D.87-08-064. However, IPA is free to confer with the the other parties on this issue also. We expect these parties to make a good faith effort to mutually develop appropriate notices or tariff terms before asking this Commission to further modify the 60-day policy in D.87-08-064.

Once the parties have conferred, as previously ordered, and filed proposed language based on such a conference, the Commission will by further order promptly approve an appropriate customer notice and require the filing of revised tariffs implementing the 60-day limitation.

Findings of Fact

1. IPA filed a Petition for Modification of D.88-04-077 on April 28, 1988.
2. The IPA Petition requests, inter alia, that the full chargeback policy in D.88-04-077 apply only to 976 calls made after the effective date of any tariff sheets implementing D.88-04-77.
3. D.88-04-077 is unclear concerning the specific calls to which the chargeback policy would apply.
4. The Commission intends that the full chargeback policy in D.88-04-077 apply to all calls made on or after the effective date of the advice letters revising the associated tariff sheets.

Conclusion of Law

The effective date of the full chargeback policy in D.88-04-77 should be clarified.

IT IS ORDERED that:

1. D.88-04-077 is modified by substituting the following ordering paragraph for Ordering Paragraph 2 at page 16 of the decision:

2. The advice letter shall be effective 5 days after filing and shall apply to all 976 calls made on or after the effective date of such advice letter.

2. The last paragraph of the discussion on page 14, mimeo. of D.88-04-077, which continues to page 30, is modified to read:

"In its comments, IPA noted that the Proposed Decision did not address the 60-day limitation on adjustments discussed in D.87-08-064. That decision required that the parties confer and propose an appropriate form of customer notice concerning the 60-day time limit on the one-time adjustment policy. IPA and Pacific filed different proposed notices, but did not confer prior to making such filings. On September 20, 1987, DRA filed a Petition for Modification of D.87-08-064 requesting that the implementation of the 60-day time limit on adjustments be reconsidered or at least postponed, pending availability of blocking. Now that residential blocking is available, the parties should promptly confer and propose by compliance filings an appropriate form of customer notice concerning the 60-day time limit on the one-time adjustment policy, as previously ordered in D.87-08-064. The Commission will review such filings and approve an appropriate customer notice, after which Pacific and General Telephone will be required to file revised tariff provisions concerning the 60-day time limit."

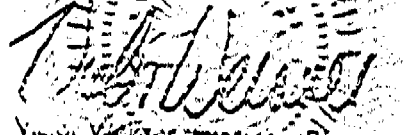
3. In all other respects, D.88-04-077 remains in full force and effect.

This order is effective today.

Dated MAY 25 1988, at San Francisco, California.

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

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


Victor Velez, Executive Director

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application for Rehearing of Resolution No. T-12015.)

In the Matter of Resolution No. T-12015: Commission Approval of Pacific Bell Advice Letter No. 15224 and Denial of Protests of Omniphone, Inc. and Sable Communications of California, Inc.)

Application 87-05-049 (Petition for Modification filed April 28, 1988)

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Decision (D.) 88-04-077, issued on April 27, 1988, orders Pacific Bell and GTE California to file advice letters revising the associated tariff sheets to prospectively provide that all one-time adjustments for 976 calls shall be recharged in full to the appropriate information provider's account.

On April 28, 1988, the Information Providers Association (IPA) filed a Petition for Modification of D.88-04-077 requesting, inter alia, clarification that the full chargeback policy in D.88-04-077 applies only to 976 calls made after the effective date of any tariff sheets implementing D.88-04-077.

D.88-04-77 is unclear as to exactly which calls the full chargeback policy will apply. It is the Commission's intent that the full chargeback policy in D.88-04-77 apply to 976 calls made on or after the effective dates of the advice letters revising the associated tariff sheets.

On May 4, 1988, Pacific Bell filed an advice letter which interprets D.88-04-077 in a manner consistent with this order. On May 6, 1988 General Telephone filed an advice letter which applies the new chargeback policy in an ambiguous manner.

On May 11, 1988, Pacific Bell filed a response to IPA's Petition for Modification, noting that Pacific Bell's tariff filing

ALJ/GLW/fs

Decision _____

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On April 28, 1988, the Information Providers Association (IPA) filed a Petition for Modification of D.88-04-077 requesting, inter alia, clarification that the full chargeback policy in D.88-04-077 applies only to 976 calls made after the effective date of any tariff sheets implementing D.88-04-077.

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No party has filed a formal response to the IPA Petition. Indeed, on May 4, 1988, Pacific Bell filed an advice letter which interprets D.88-04-077 consistent with this order.

Findings of Fact

- 1. IPA filed a Petition for Modification of D.88-04-077 on April 28, 1988.

2. The IPA Petition requests, inter alia, that the full chargeback policy in D.88-04-077 apply only to 976 calls made after the effective date of any tariff sheets implementing D.88-04-77.

3. D.88-04-077 is unclear concerning the specific calls to which the chargeback policy would apply.

4. The Commission intends that the full chargeback policy in D.88-04-077 apply to all calls made on or after the effective date of the advice letters revising the associated tariff sheets.

Conclusion of Law

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2. In all other respects, D.88-04-077 remains in full force and effect.

2. The advice letter shall be effective 5 days after filing and shall apply to all 976 calls made on or after the effective date of such advice letter.

This order is effective today.

Dated _____, at San Francisco, California.

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