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Decision 88-08-028 AUG 10 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the 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
(Filed May 26, 1987)

ORDER GRANTING LIMITED REHEARING OF
DECISION (D.) 88-04-077

An application for rehearing of D.88-04-077 was filed by Lottery Hotline, Inc. (Hotline). General Telephone of California (GTEC) filed a response in opposition. We have reviewed the allegations raised by the application and the arguments in opposition thereto, and are of the opinion that good cause for granting a limited rehearing on the issue of whether applicant received notice of the proposed rate increase has been shown. However, good cause does not exist regarding the other claims raised, and thus rehearing is denied as to those claims.

In its application, Hotline asserts that Pacific Bell (Pacific) and GTEC failed to comply with Public Utilities (PU) Code Section 454, in that the utilities failed to give Hotline notice of a proposed increase in rates. Hotline further claims that D.88-04-077 is arbitrary and capricious because it does not discuss the evidence presented at the hearing ordered by

D.87-08-064, and adopts a result for which there is no evidentiary foundation. Finally Hotline claims that the fact that Pacific and GTEC are not required to refund intraLATA transport charges (i.e., toll, ZUM and message units) on adjusted 976 calls is sufficient reason not to impose a full chargeback on IPs.

Concerning Hotline's initial challenge to D.88-04-077, PU Code Section 454 requires that whenever a telephone corporation files for a rate increase it shall notify its customers of the proposed increase. The notice shall indicate the amount of the increase and information about how to protest or support the increase before the Commission. Hotline asserts that it did not receive notice of Pacific's and GTEC's proposed rate increase regarding the amount to be allocated to the IPs for an adjusted 976 call. There is no evidence on the record in this proceeding regarding the issue of notice.

As for the applicability of PU Code Section 454, the Commission in prior decisions in this proceeding has treated determinations regarding how much the adjusted 976 call should be charged back to the IPs as a rate increase. In fact, rehearing was ordered on Resolution T-12015 primarily because the Commission believed that the requirements of PU Code Section 454 had not been complied with. Thus the telephone utilities are under an obligation when seeking an increase in the chargeback to IPs of adjusted 976 calls to notify all the IP customers of the proposed rate increase. Consequently, the Commission will grant a limited rehearing to establish whether notice pursuant to PU Code Section 454 was given to Hotline by Pacific and GTEC.

Concerning Hotline's further allegation that the decision in D.88-04-077 is arbitrary and capricious because it does not rely on the evidence offered at the hearing in this case, we have reviewed the record again and reaffirm our original findings and conclusions. We reject Hotline's allegation that the Commission's D.88-04-077 is without evidentiary support.

We finally reject Hotline's last allegation that the full chargeback on IPs is unfair because Pacific and GTEC are not required to refund intraLATA transport charges on adjusted 976 calls. The Commission agrees with GTEC that Hotline's allegation is an attack on the billing and transport charge in the tariff, and that this issue is not properly raised by this Application for Rehearing.

IT IS ORDERED that a limited rehearing be held to establish whether Lottery Hotline, Inc. was notified by Pacific Bell and GTE of California of the proposed rate increase in this matter pursuant to Public Utilities Code Section 454. This hearing shall be held before such Administrative Law Judge and at such time and place as shall hereafter be determined. The Executive Director shall provide notice of such rehearing to the parties hereto, in the manner prescribed by Rule 52 of the Commission's Rules of Practice and Procedure.

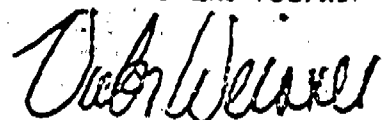
IT IS FURTHER ORDERED that except as provided herein, rehearing of D.88-04-077 is denied

This order is effective today.

Dated AUG 10 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 Weisser, Executive Director

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Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into 976 Information
Access Service

I.85-04-047
(Filed April 17, 1985)

John Marshall Lipscomb and all
those similarly situated,

Complainants,

vs.

C.85-04-021
(Filed April 8, 1985)

Pacific Bell, a California
corporation, Does 1 through 1000,

Defendants.

ORDER GRANTING LIMITED REHEARING OF
DECISION (D.) 88-04-077

An application for rehearing of D.88-04-077 was filed by Lottery Hotline, Inc. (Hotline). General Telephone of California (GTEC) filed a response in opposition. We have reviewed the allegations raised by the application and the arguments in opposition thereto, and are of the opinion that good cause for granting a limited rehearing on the issue of whether applicant received notice of the proposed rate increase has been shown. However, good cause does not exist regarding the other claims raised, and thus rehearing is denied as to those claims.

In its application, Hotline asserts that Pacific Bell (Pacific) and GTEC failed to comply with Public Utilities (PU) Code Section 454, in that the utilities failed to give Hotline notice of a proposed increase in rates. Hotline further claims that D.88-04-077 is arbitrary and capricious because it does not discuss the evidence presented at the hearing ordered by

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Decision 88 08 028 AUG 10 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the 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.)

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Application 84-05-049
(Filed May 26, 1987)

ORDER GRANTING LIMITED REHEARING OF DECISION (D.) 88-04-077

An application for rehearing of D.88-04-077 was filed by Lottery Hotline, Inc. (Hotline). General Telephone of California (GTEC) filed a response in opposition. We have reviewed the allegations raised by the application and the arguments in opposition thereto, and are of the opinion that good cause for granting a limited rehearing on the issue of whether applicant received notice of the proposed rate increase has been shown. However, good cause does not exist regarding the other claims raised, and thus rehearing is denied as to those claims.

In its application, Hotline asserts that Pacific Bell (Pacific) and GTEC failed to comply with Public Utilities (PU) Code Section 454, in that the utilities failed to give Hotline notice of a proposed increase in rates. Hotline further claims that D.88-04-077 is arbitrary and capricious because it does not discuss the evidence presented at the hearing ordered by

D.87-08-064, and adopts a result for which there is no evidentiary foundation. Finally Hotline claims that the fact that Pacific and GTEC are not required to refund intraLATA transport charges (i.e., toll, ZUM and message units) on adjusted 976 calls is sufficient reason not to impose a full chargeback on IPs.

Concerning Hotline's initial challenge to D.88-04-077, PU Code Section 454 requires that whenever a telephone corporation files for a rate increase it shall notify its customers of the proposed increase. The notice shall indicate the amount of the increase and information about how to protest or support the increase before the Commission. Hotline asserts that it did not receive notice of Pacific's and GTEC's proposed rate increase regarding the amount to be allocated to the IPs for an adjusted 976 call. There is no evidence on the record in this proceeding regarding the issue of notice.

As for the applicability of PU Code Section 454, the Commission in prior decisions in this proceeding has treated determinations regarding how much the adjusted 976 call should be charged back to the IPs as a rate increase. In fact, rehearing was ordered on Resolution T-12015 primarily because the Commission believed that the requirements of PU Code Section 454 had not been complied with. Thus the telephone utilities are under an obligation when seeking an increase in the chargeback to IPs of adjusted 976 calls to notify all the IP customers of the proposed rate increase. Consequently, the Commission will grant a limited rehearing to establish whether notice pursuant to PU Code Section 454 was given to Hotline by Pacific and GTEC.

Concerning Hotline's further allegation that the decision in D.88-04-077 is arbitrary and capricious because it does not rely on the evidence offered at the hearing in this case, we have reviewed the record again and reaffirm our original findings and conclusions. We reject Hotline's allegation that the Commission's D.88-04-077 is without evidentiary support.

We finally reject Hotline's last allegation that the full chargeback on IPs is unfair because Pacific and GTEC are not

required to refund intralATA transport charges on adjusted 976 calls. The Commission agrees with GTEC that Hotline's allegation is an attack on the billing and transport charge in the tariff, and that this issue is not properly raised by this Application for Rehearing.

IT IS ORDERED that a limited rehearing be held to establish whether Lottery Hotline, Inc. was notified by Pacific Bell and GTE of California of the proposed rate increase in this matter pursuant to Public Utilities Code Section 454. This hearing shall be held before such Administrative Law Judge and at such time and place as shall hereafter be determined. The Executive Director shall provide notice of such rehearing to the parties hereto, in the manner prescribed by Rule 52 of the Commission's Rules of Practice and Procedure.

IT IS FURTHER ORDERED that except as provided herein, rehearing of D.88-04-077 is denied

This order is effective today.

Dated AUG 10 1988 at San Francisco, California.

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