

L/JTP/bjk *

Decision 89 07 031 JUL 6 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
National Telephone Communications Inc.)	
for a Certificate of Convenience and)	Application 88-12-007
Necessity to Operate as a Reseller of)	(Filed December 5, 1988)
Telecommunications Services within)	
California.)	

ORDER MODIFYING DECISION 89-04-043
AND DENYING REHEARING

National Telephone Communications, Inc. (National) has filed an application for limited rehearing of D.89-04-043 (the Decision), in which the Commission granted National a certificate of public convenience and necessity to provide interLATA long distance telephone service. National argues that the Commission improperly subjected its initial and subsequent tariff filings to a notice period of not less than 15 days.

The Commission intended to subject National to a 15 day notice period for its initial tariff filing, as explained in Finding of Fact No. 4 of the Decision. The Commission did not intend to subject National to a 15 day notice period for subsequent tariff filings. The Commission Advisory and Compliance Division's current practice is to require a 5 day notice period for the subsequent tariff filings of non-dominant interLATA carriers. Moreover, the appropriate notice period for such subsequent tariff filings is being further considered in R.85-08-042. Accordingly, we will modify the Decision to provide that National's subsequent tariff filings shall be subject to the same minimum notice period that applies to the subsequent tariff filings of other non-dominant interLATA telephone corporations.

National has already made its initial tariff filing and that filing has become effective after a 15 day notice period.

Accordingly, we conclude that National's challenge to the 15 day notice period for its initial tariff filing has become moot.

Finding of Fact

1. On June 14, 1989, National filed its initial tariff which become effective on June 29, 1989.

Conclusion of Law

1. National's challenge to the 15 day notice period for its initial tariff filing has become moot.

Therefore, good cause appearing,

IT IS ORDERED that D.89-04-043 is modified as follows:

1. A new Ordering Paragraph, numbered 5a, is inserted on page 5 following Ordering Paragraph No. 5:

5a. After the filing of initial tariffs, as provided for in Ordering Paragraph 3, National's subsequent tariff filings shall be subject to the same minimum notice period that applies to the subsequent tariff filings of other non-dominant interLATA telephone corporations.

2. Rehearing of D.89-04-043 as modified herein is denied. This order is effective today.

Dated JUL - 6 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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

Victor Weiss
Victor Weiss, Executive Director

L/JTP/bjk

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The Commission intended to subject National to a 15 day notice period for its initial tariff filing, as explained in Finding of Fact No. 4 of the Decision. The Commission did not intend to subject National to a 15 day notice period for subsequent tariff filings. The appropriate notice period for the subsequent tariff filings of non-dominant interLATA carriers is being further considered in R.85-08-042. Accordingly, we will modify the Decision to provide that National's subsequent tariff filings shall be subject to the same minimum notice period that applies to the subsequent tariff filings of other non-dominant interLATA telephone corporations.

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Dated _____, at San Francisco, California.