

L/mnt *

Decision 89-07-032 July 6, 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
and Suspension of tariffs authorizing)
Intrastate InterLATA Directory)
Assistance Operator Services to)
Interexchange carriers, by General)
Telephone, under Advice Letter)
No. 4999.)

(I&S)
Case 86-06-004
(Filed June 4, 1986)

ORDER MODIFYING AND GRANTING LIMITED REHEARING
OF DECISION 89-03-051

Pacific Bell (Pacific) has filed an application for rehearing of Decision (D.) 89-03-051. GTE California Incorporated (GTEC, formerly General Telephone Company of California) and AT&T Communications of California (AT&T-C) have filed responses in opposition thereto. We have reviewed each and every allegation in the application, and are of the view that limited rehearing should be granted for the sole purpose of considering the issue of compensation to Pacific for GTEC's use of the joint data base in a competitive context. We intend to consolidate this rehearing with the proceeding wherein we will be considering the broader issues of competitive access to local listings. By granting rehearing, we will ensure that if we find it appropriate, compensation can be awarded from the effective date of D.89-03-051 forward. This is not in any way meant to preclude the approach espoused in D.89-03-051, where we indicated that in the interim period between the inception of this service pursuant to tariff and the future proceeding to consider compensation, we would allow GTEC the "free" use of the data base. However, we do mean to review this issue more thoroughly on the record. We will also, of course, consider the reciprocal issue of the appropriate compensation to be paid to GTEC by Pacific.

In addition, we will modify the decision relative to our discussion of competition.

There are two other points we wish to make at this time. Pacific has requested that we take official notice of GTEC's recent tariff filing before the FCC for provision of interLATA directory assistance (DA) service. This filing is based on a study projecting costs from April 1, 1989 to June 30, 1990, which shows substantially increased costs to GTEC. While we will not take official notice of this filing now, we will require GTEC to submit it to this Commission for its consideration at such time as the FCC orders GTEC to provide interLATA DA service at a higher rate, if such does happen.

Secondly, Pacific has protested GTEC's supplemental Advice Letter 4999A on the ground that GTEC has not included in its DA rate a component to compensate Pacific for GTEC's share of maintenance costs of the merged data base which Pacific has alleged GTEC has not been paying. This issue is yet to be resolved. D.89-03-051 required GTEC and Pacific to review the situation and report back to the Commission within 60 days of the effective date of the decision. Since the decision has been stayed, the 60 days has not yet run. Today's decision removes the stay; thus the 60-day period will begin. Meanwhile, we also provide today that GTEC's rates are subject to adjustment pending the resolution of this and the larger compensation issue.

IT IS ORDERED that:

1. D.89-03-051 is modified by deleting the last paragraph on page 24 and substituting the following language:

"The historical test for competition espoused by Pacific was developed at a time when most utilities had monopoly authority within their service territories for all services provided. This is no longer the case in the telecommunications area. We have granted many competitive applications for interLATA

authority, and have recently opened up intraLATA high speed data services to competitive entry. By today's decision, we are opening up the provision of DA service to competitive entry. We have not found Pacific's historical test to be applicable in any of these cases. Rather, our emphasis has been on fostering competition, and not on preservation of the monopoly."

2. Limited rehearing is granted consistent with the above discussion, for the sole purpose of considering the appropriate compensation to Pacific for GTEC's use of the merged data base in a competitive context, including the issue of whether any such compensation should reach back to the date GTEC begins the service authorized herein. Pursuant to further Commission order, such limited rehearing will be consolidated with whichever case the Commission determines is appropriate to consider the larger issues of competitive access to local directory listings.

3. Advice Letter 4999A is approved, with the proviso that the rates set pursuant to this Advice Letter are subject to adjustment pending the completion of the limited rehearing on the compensation issue and the joint review by GTEC and Pacific of the data base maintenance costs issue, as ordered by D.89-03-051. Any such adjustment may include additional compensation costs incurred by GTEC from the inception of service under this Advice Letter, depending on the outcome of the limited rehearing and the data base maintenance costs review.

4. Any inconsistent language in D.89-03-051 concerning compensation to Pacific for GTEC's use of the joint data base in a competitive context is superceded by today's Order.

5. Pacific's protest to Advice Letter 4999A is denied.


6. Except as provided above, rehearing of D.89-03-051 is denied.

7. The stay of D.89-03-051 is lifted.

This order is effective today.
Dated July 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 Weisner, Executive Director

PM

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In addition, we will modify the decision relative to our discussion of competition.

There are two other points we wish to make at this time. Pacific has requested that we take official notice of GTEC's recent tariff filing before the FCC for provision of interLATA DA service. This filing is based on a study projecting costs from April 1, 1989 to June 30, 1990, which shows substantially increased costs to GTEC. While we will not take official notice of this filing now,

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Secondly, Pacific has protested GTEC's supplemental Advice Letter 4999A on the ground that GTEC has not included in its DA rate a component to compensate Pacific for GTEC's share of maintenance costs of the merged data base which Pacific has alleged GTEC has not been paying. This issue is yet to be resolved. D.89-03-051 required GTEC and Pacific to review the situation and report back to the Commission within 60 days of the effective date of the decision. Since the decision has been stayed, the 60 days has not yet run. Today's decision removes the stay; thus the 60-day period will begin. Meanwhile, we also provide today that GTEC's rates are subject to surcharge pending the resolution of this and the larger compensation issue.

IT IS ORDERED that:

1. D.89-03-051 is modified by deleting the last paragraph on page 24 and substituting the following language:

"The historical test for competition espoused by Pacific was developed at a time when most utilities had monopoly authority within their service territories for all services provided. This is no longer the case in the telecommunications area. We have granted many competitive applications for interLATA authority, and have recently opened up intraLATA high speed data services to competitive entry. By today's decision, we are opening up the provision of DA service to competitive entry. We have not found Pacific's historical test to be applicable in any of these cases. Rather, our emphasis has been on fostering competition, and not on preservation of the monopoly."

2. Limited rehearing is granted consistent with the above discussion, for the sole purpose of considering the appropriate form of compensation to Pacific for GTEC's use of the merged data base in a competitive context. Pursuant to further

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There are two other points we wish to make at this time. Pacific has requested that we take official notice of GTEC's recent tariff filing before the FCC for provision of interLATA directory assistance (DA) service. This filing is based on a study projecting costs from April 1, 1989 to June 30, 1990, which shows substantially increased costs to GTEC. While we will not take official notice of this filing now, we will require GTEC to submit it to this Commission for its consideration at such time as the FCC orders GTEC to provide interLATA DA service at a higher rate, if such does happen.

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Commission order, such limited rehearing will be consolidated with whichever case the Commission determines is appropriate to consider the larger issues of competitive access to local directory listings.

3. Advice Letter 4999A is approved, with the proviso that the rates set pursuant to this Advice Letter are subject to surcharge pending the outcome of the limited rehearing on the compensation issue and the joint review by GTEC and Pacific of the data base maintenance costs issue, as ordered by D.90-03-051.

4. Pacific's protest to Advice Letter 4999A is denied.

5. Except as provided above, rehearing of D.89-03-051 is denied.

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Dated _____, at San Francisco, California.

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

G. MITCHELL WILK
President
FREDERICK P. DUDA
STANLEY W. HULETT
JOHN B. O'HANIAN
PATRICIA M. ECKERT
Commissioners