

Decision 89 09 067 SEP 27 1989

ORIGINAL

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)

) Case 87-01-007
) (Filed January 7, 1987)

And Related Matters.

) Case 87-04-009
) (Filed April 8, 1987)

) Case 87-04-031
) (Filed April 16, 1987)

OPINION

Summary

This decision awards Toward Utility Rate Normalization (TURN) \$1,767.67 plus interest for its substantial contribution to Decision (D.) 88-03-042.

Request for Finding of Eligibility

TURN filed a Request for Finding of Eligibility and Request for an Award of Compensation on April 15, 1988.

Upon review, the Commission decided that it would be more appropriate for TURN to file its request following the close of the entire evidentiary record. Accordingly, in D.88-05-071, the Commission dismissed TURN's request without prejudice on May 25, 1988. The formal close of the evidentiary record in this proceeding was November 4, 1988. Thus, TURN's request now complies with Rule 76.54(a).

TURN has previously been found to have met its burden of showing financial hardship for calendar year 1988 in D.88-07-035, dated July 8, 1988. Therefore, the requirement of Rule 76.54(a) (1) has been satisfied.

Request for an Award of Compensation

A Request of An Award of Compensation must establish that the customer made a substantial contribution to the Commission's order or decision (Rule 76.53). Rule 76.52(g) defines "Substantial contribution" as follows:

"Substantial contribution" means that, in the judgment of the Commission, the customer's presentation has substantially assisted the Commission in the making of its order or decision because the order or decision had adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.

D.87-12-038, issued December 9, 1987, ordered local exchange carriers to offer central office blocking of all 976 calls to both business and residential customers, when possible. The order also established a subscriber charge for central office blocking as well as a charge for the removal of such blocking. Several parties filed Applications for Rehearing or Petitions for Modification of the decision. TURN filed such a petition on January 7, 1988, protesting the establishment of a residential subscriber blocking charge. This petition was granted on March 11, 1988 pursuant to D.88-03-042, which modified the Commission's December decision.

TURN's petition, granted in its entirety in D.88-03-042, addressed only a single issue in D.87-12-038, albeit an important one--the residential subscriber blocking charge. TURN successfully argued that a residential subscriber blocking charge of any amount would be inequitable and economically unsound. TURN nevertheless recognized that Public Utilities Code Section 2884(a) mandated a residential subscriber blocking charge of some amount and suggested \$.01 would be more appropriate than the \$2.00 originally ordered. The Commission concurred in TURN's reasoning and modified the residential blocking charge to \$.01.

Amount of Compensation

The following is a summary of TURN's requested compensation in this proceeding:

Attorney Fees

M. Barmore
19 Hours x \$90 - \$1,710.00

Other Reasonable Costs

Postage Costs - 15.60
Copying Costs - 42.07

TOTAL - \$1,767.67

TURN's attorney maintained detailed contemporaneous time records indicating the number of hours devoted to this case.

The \$90 hourly rate for Barmore's services is consistent with earlier Commission decisions which have granted this rate to attorneys with comparable experience. D.88-11-025 (November 9, 1988) recently established Barmore's hourly rate at \$90.

D.87-12-038, as modified by D.88-03-042, applied to all local exchange carriers offering 976 information access service. Pacific Bell and General Telephone of California both offer 976 service. Therefore, we find it reasonable to allocate TURN's compensation award equally between Pacific Bell and General Telephone of California.

Since this decision was not issued within 75 days from the date of TURN's request, we will allow interest on the award. Interest on the award shall be calculated in the same manner as the deferred account established in D.86-06-079 and accrue from the 76th day after the request was filed.

Findings of Fact

1. TURN requests \$1,767.67 in compensation for its contribution to D.88-03-042.
2. TURN filed a Petition for Modification of D.87-12-038, protesting the establishment of a residential subscriber blocking charge.

3. D.88-03-042 granted TURN's petition in its entirety
4. TURN was not awarded compensation for its contribution to D.88-03-042 within 75 days of the date of filing its request.

Conclusions of Law

1. TURN should be compensated for its substantial contribution to D.88-03-042 in the amount of \$1,767.67.
2. Pacific Bell and General Telephone of California should each be ordered to pay TURN one-half of the award, plus interest.
3. Because this decision is issued more than 75 days after TURN filed its request, this decision should be effective today.

ORDER

IT IS ORDERED that Pacific Bell and General Telephone of California shall each pay Toward Utility Rate Normalization \$884, plus interest from the 76th day after December 19, 1988. Interest shall be calculated consistent with the deferred account established in D.86-06-079.

This order is effective today.

Dated September 27, 1989, at San Francisco, California.

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

Commissioner Frederick R. Duda,
being necessarily absent, did
not participate.

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

Wesley Franklin

- 4 - WESLEY FRANKLIN, Acting Executive Director

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