

Decision 90 01 023 JAN 09 1990**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of WTG-West, Inc. for a )  
Certificate of Public Convenience )  
and Necessity to Construct Fiber )  
Optic Telecommunications Facilities )  
and to Operate as a Facilities- )  
Based Carrier of InterLATA )  
Telecommunications Services within )  
California. )

Application No. 89-05-026  
(Filed May 11, 1989)

ORDER GRANTING REHEARING  
AND STAYING D.89-10-030

Henry Singleton (Petitioner) has filed an application for rehearing of D.89-10-030 (the Decision), in which the Commission granted WTG-West, Inc. a certificate of public convenience and necessity (CPC&N) to construct and operate a public utility fiber optic telecommunications system and to provide interLATA telecommunications services, subject to the condition that WTG-West not hold itself out as a provider of intraLATA service. The Decision also conferred public utility status on WTG-West, thereby empowering it to use the condemnation powers provided in Public Utilities (PU) Code §616. There has been no hearing in this case.

We have carefully considered all of the arguments raised in Petitioner's application for rehearing and the responses thereto, and are of the opinion that sufficient grounds for granting a rehearing have been shown. The basis for the rehearing centers around notice. Petitioner has had no opportunity to present his case. He has not had a chance to contest the merits of the CPC&N or to participate in the environmental review process.

Therefore, good cause appearing,  
IT IS ORDERED that:

1. Rehearing of D.89-10-030 is hereby granted, and the Decision is stayed pending further order of this Commission.
2. The rehearing shall be held at such time and place and before such Commissioner or Administrative Law Judge as shall hereafter be determined.
3. The Executive Director shall provide notice of such rehearing to the parties hereto and in the manner prescribed by Rule 52 of the Commission's Rules of Practice and Procedure.

This order is effective today.

Dated JAN 9 1990, at San Francisco, California.

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

Commissioner Stanley W. Hulett,  
being necessarily absent, did  
not participate.

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

*Wesley Franklin*

WESLEY FRANKLIN, Acting Executive Director

*DB*