

Decision 90 07 016 JUL 6 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
AT&T COMMUNICATIONS OF CALIFORNIA,
Inc. (U 5002 C) under Rule 18 for
a Certificate of Public Convenience
and Necessity for Authority to
Provide InterLATA AT&T MEGACOM and
AT&T MEGACOM 800 Service.

Application 88-07-020
(Filed July 15, 1988)

In the Matter of the Application of
AT&T COMMUNICATIONS OF CALIFORNIA,
Inc. (U 5002 C) under Rule 18 for a
Certificate of Public Convenience
and Necessity for Authority to
Provide AT&T PROsm WATS California.

Application 88-08-051
(Filed August 24, 1988)

In the Matter of the Application of
AT&T COMMUNICATIONS OF CALIFORNIA,
Inc. (U 5002 C) for Authority to
Provide Intrastate AT&T 800
READYLINE Service.

Application 89-03-046
(Filed March 29, 1989)

ORDER MODIFYING DECISION 90-04-023
AND DENYING REHEARING

MCI Telecommunications Corporation (MCI) has filed an application for rehearing of Decision (D.) 90-04-023 which, among other things, adopts the February 20, 1990 "READYLINE STIPULATION AND SETTLEMENT AGREEMENT" executed by AT&T Communications of California (AT&T-C), Pacific Bell, GTE California, Incorporated (GTEC) and all of the other California local exchange telephone companies (LECs).

We have reviewed each and every allegation of error raised by MCI and have concluded that sufficient grounds for rehearing of D.90-04-023 have not been shown. We have also determined that MCI has failed to comply with rule 86.1 of the

Commission's Rules of Practice and Procedure. That rule requires applications for rehearing to set forth specifically grounds on which the applicant considers the Commission to be erroneous and cautions applicants that vague assertions regarding the law or the record, without sufficient citations, may be accorded little attention. Finally, we have determined that good cause has not been shown for granting MCI's motion for leave to file a reply to the responses in opposition of its application for rehearing so we will not depart from our long standing practice of refusing the filing of such replies. However, upon further reflection, we have determined that the decision requires modification for reasons other than those set forth in the application for rehearing.

Therefore,

IT IS HEREBY ORDERED that:

1. The application for rehearing of Decision 90-04-023 filed by MCI Telecommunications Corporation is denied.
2. The motion of MCI Telecommunications Corporation for leave to reply to the oppositions to its application for rehearing is denied.
3. Finding of Fact number 1 on page 29 is modified as follows:

Hearings in this proceeding concluded on October 4, 1989. On November 10, 1989, AT&T-C advised the Administrative Law Judge presiding over this matter that it was undertaking settlement efforts with the parties to this proceeding. On January 5, 1990 AT&T-C and Pacific Bell jointly filed a motion, pursuant to Rule 51 of the Commission's rules for approval of a stipulation and settlement agreement settling AT&T-C's motion for interim authority to provide READYLINE service in California.

4. The following language is added as Finding of Fact number 1a:

- 1a. The time within which it took the parties to agree on a settlement did not impair the

public interest although it extended past the time allotted by the Commission's rules for proposal of settlements.

5. The following language is added as Finding of Fact number 1b:

1b. It appears from the facts that AT&T-C did everything possible to negotiate a fair settlement. We cannot find fault with AT&T-C spending the time to seek the settlement now pending before us.

6. The following language is added as Ordering Paragraph number 8:

8. Good cause appearing, application of rule 51.2 of the Commission's stipulation and settlement rules with respect to the time for proposal of a settlement is waived in this case.

The Executive Director serve a copy of this order on all parties to Application No. 88-07-020, Application No. 88-08-051 and Application No. 89-03-046.

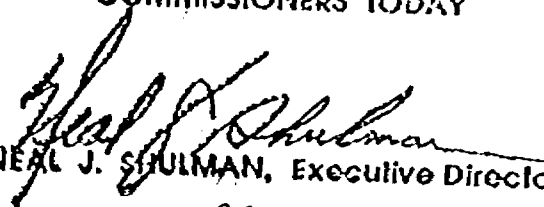
This order is effective today.

Dated: JUL 6 1990, 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

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NEAL J. SCHULMAN, Executive Director

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