

L/afm

Decision 90-10-045 October 12, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on
the Regulatory Framework for
InterLATA Telecommunications
Market.

I.85-11-013
(filed November 13, 1985)

Application of AT&T Communications
of California, Inc., for Limited
Regulatory Flexibility..

A.87-10-039
(filed October 30, 1987)

In the Matter of Advice Letter
No. 168 (effective August 1, 1990)
of AT&T Communications of
California, Inc. (U-5002-C).

ORDER DISMISSING APPLICATION FOR REHEARING

On June 15, 1990, AT&T Communications (AT&T) submitted its Advice Letter Number 168 to the Commission. The purpose of the filing was to reduce AT&T's charge for its Direct Dialed Long Distance Service day rate initial minute charges by one cent for all but one of the seven mileage bands. It also sought to reduce the price of direct dialed day rate additional minute charges by one cent in the two longest mileage bands.

On August 1, 1990, Kevin P. Coughlan, the Chief of the Telecommunications Branch of the Commission's Advisory and Compliance Division informed CALTEL by telephone that AT&T Advice Letter Number 168 had taken effect.

On August 31, 1990 CALTEL filed an application for rehearing of AT&T's Advice Letter Number 168. Public Utilities Code section 1731 and rule 85 of the Commission's Rules of Practice and Procedure both provide for applications for rehearings of a Commission "decision or order." In the absence

of any "order or decision" issued by the Commission, CALTEL's application for rehearing is not authorized by statute or rule and is dismissed on procedural grounds. Our decision today does not prejudice CALTEL from pursuing a complaint in this matter should it choose to follow such procedure.

Finding of Fact

AT&T's Advice Letter Number 168 and accompanying tariff sheets were filed with the Commission. They were not the subject of any formal Commission action.

Conclusion of Law

In the absence of any "order or decision" issued by the Commission, CALTEL's application for rehearing should be dismissed as unauthorized by statute.

THEREFORE, for good cause appearing,

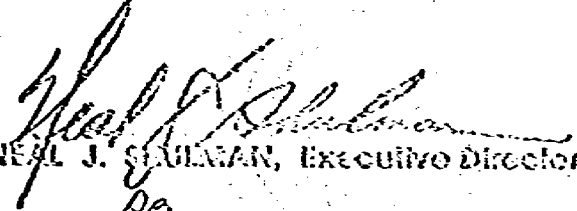
IT IS HEREBY ORDERED that the application for rehearing filed by the California Association of Long Distance Telephone Companies is dismissed.

This order is effective today.

Dated October 12, 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


NEAL J. SULLIVAN, Executive Director