

L/ltg

Decision 90-12-105 December 19, 1990

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Alternative
Regulatory Frameworks for Local
Exchange Carriers.

I.87-11-033
(Filed November 25, 1987)

In the Matter of the Application
of Pacific Bell (U 1001 C), a
corporation, for authority to
increase intrastate rates and
charges applicable to telephone
services furnished within the State
of California.

Application 85-01-034
(Filed January 22, 1985;
amended June 17, 1985
and May 19, 1986)

Application of General Telephone
Company of California (U 1002 C),
a California corporation, for
authority to increase and/or
restructure certain intrastate
rates and charges for telephone
services.

Application 87-01-002
(Filed January 5, 1987)

And related matters.

I.85-03-078
(Filed March 20, 1985)

OII 84
(Filed December 2, 1980)

C.86-11-028
(Filed November 17, 1986)

I.87-02-025
(Filed February 11, 1987)

C.87-07-024
(Filed July 16, 1987)

ORDER DENYING REHEARING OF INTERIM (D.) 90-08-066

Bay Area Teleport (BAT) has filed an application for
rehearing of Decision (D.) 90-08-066, an interim decision in

Phase III of the alternative regulatory framework proceedings for local exchange carriers (I.87-11-033). BAT charges the Commission with the imminent violation of Public Utilities (PU) Code Sections 1705 and 1708 if the Commission implements Conclusion of Law No. 1, and issues Commission policy on a rulemaking basis without evidentiary hearings.

The rehearing application does not establish good cause for rehearing. It is prematurely filed and therefore not ripe for adjudication. Moreover, it may be rendered moot by subsequent events in Phase III. The Assigned Commissioner's Ruling of November 28, 1990 acknowledges that there are some technical and policy matters that may require settlement or hearings prior to completing the Implementation Rate Design (IRD) Phase and the implementation of expanded intraLATA competition. To that end, the ALJ has been directed to calendar a prehearing conference, and the parties have been asked to assist in developing a hearing schedule that will allow the conclusion of hearings on or before July 31, 1991. The Commission is eager to commence hearings as soon as possible on those policy issues in Phase III which so require hearings.

We repeat our intent to rely on notice and comment rulemaking to determine policy issues where appropriate. We are reserving hearings for disputed factual issues material to policy determinations.

We have considered all the allegations of error and are of the opinion that good cause for rehearing has not been shown. Therefore,

I.87-11-033, et al. L/ltq

IT IS ORDERED that the rehearing of D.90-06-088 is hereby denied.

This order is effective today.

Dated December 19, 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

[Handwritten signature]
RECORDS MANAGER
PB