

FEB 7 1991

Decision 91-02-020 February 6, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Chuck Hedlund,

Complainant,

vs.

Continental Telephone Company
of California,

Defendant.

ORIGINAL

Case 88-08-035
(Filed January 9, 1991)

OPINION

On January 9, 1991, the defendant, now known as Contel of California, Inc. (Contel), filed its "Petition of Contel of California, Inc. for Modification of Decision No. 90-11-063" (petition). In Decision (D.) 90-11-063, the Commission adopted Contel's Victor Valley ZUM proposal. By this petition, Contel seeks clarification that it is not required to make Optional Residential Telephone Service (ORTS) available to existing ORTS customers whose ORTS routes have been converted to Zone Usage Measurement Zone 2 and 3 routes (ZUM Zone 2 and 3 routes).

The ORTS requirement could be construed from D.90-11-063 which states that ORTS service will be grandfathered until it is cancelled. However, the decision does not specify whether the utility or the customer has the option to cancel. According to Contel, its Victor Valley ZUM proposal, as amended, would have withdrawn ORTS service for both present and future customers over proposed ZUM Zone 2 and 3 routes.

Two sets of tariff sheets were attached to D.90-11-063. One set limited ORTS service to non-ZUM routes, consistent with the Contel Victor Valley ZUM proposal, as amended. It is marked "revised." The other set is not marked; it does not limit the

provision of ORTS to non-ZUM routes. Contel proposes that the unmarked tariff sheet be deleted from D.90-11-063 and that the decision be modified to clearly adopt the provisions of Contel's ZUM proposal relating to ORTS.

On January 23, 1991, the Division of Ratepayer Advocates (DRA) filed its "Comments of the Division of Ratepayer Advocates on Petition of Contel of California, Incorporated for Modification of Decision 90-11-063." DRA supports Contel's petition. DRA concurs that Contel intended to eliminate existing ORTS service over the ZUM Zone 2 and 3 routes, and to continue offering existing ORTS service only where it does not conflict with ZUM routes.

On January 22, 1991, the attorney for the Newberry Springs Community Services District confirmed that the Newberry residents who have ORTS service for routes which were not converted to ZUM Zone 2 and 3 routes would not be affected by the petition, and voiced no opposition to the petition.

Discussion

On March 21, 1990, Contel filed its Victor Valley ZUM proposal. In its May 25, 1990 filing, Contel modified its ZUM proposal to limit ORTS to routes for which ZUM Zone 2 and 3 rates were not being implemented.

D.90-11-063 adopted tariff sheets that would implement both the original ZUM plan to grandfather ORTS and the revised ZUM plan that would discontinue ORTS for routes over which ZUM Zone 2 and 3 rates are now available. The grandfathering of all ORTS routes was also approved in the text of the decision.

Contel, DRA, and the Newberry Springs Community Services District all assumed that the revised ZUM plan would be adopted by the Commission. In most cases under the ZUM plan, ZUM Zone 2 and 3 rates would be lower than ORTS rates for the routes in question. The relief sought by Contel's petition would result in the adoption of the revised ZUM plan. D.90-11-063 should be amended to carry

out our intent to approve the Victor Valley ZUM proposal. Therefore, Contel's petition should be granted.

Findings of Fact

1. The Commission intended to adopt the Victor Valley ZUM proposal of Contel in D.90-11-063.

2. D.90-11-063 adopted a tariff sheet that would require Contel to continue ORTS over routes for which ZUM Zone 2 and 3 rates are made available by the Victor Valley ZUM proposal (ZUM Zone 2 and 3 routes); see, Appendix A, page 7. D.90-11-063 also adopted a revised tariff sheet that would cancel ORTS for ZUM Zone 2 and 3 routes; see, Appendix A, page 14. This creates an ambiguity over whether or not ORTS should be provided over ZUM Zone 2 and 3 routes.

3. D.90-11-063 provides continued ORTS service to customers currently subscribing to that service, even though the affected routes have been converted to ZUM Zone 2 and 3 routes.

4. Contel revised its Victor Valley ZUM proposal to withdraw ORTS service over ZUM Zone 2 and 3 routes.

5. In nearly every instance, ZUM service costs less than ORTS service.

6. Customers will not be adversely affected by the cancellation of ORTS service for ZUM Zone 2 and 3 routes.

7. The granting of relief sought by Contel's petition would result in the adoption of Contel's Victor Valley ZUM proposal, which was supported by the DRA and the Newberry Springs Community Services District.

8. This order should be effective today so that Contel can file the correct tariff sheets on February 17, 1991, the effective date of Contel's advice letter filing to comply with D.90-11-063.

Conclusion of Law

The petition of Contel to amend D.90-11-063 should be granted.

ORDER

IT IS ORDERED that:

1. The last sentence on page 3 and continuing through the first full sentence on page 4 should be modified to read:

"Since ORTS was implemented as an interim solution for Lucerne Valley and Newberry Springs until an alternative could be studied, this existing ORTS service will continue until implementation of the ZUM Proposal. Once the ZUM Proposal is implemented, ORTS service will not apply over ZUM Zone 2 and 3 routes for both present and future customers."

2. The first full sentence on page 4 is stricken.

3. Finding of Fact 6 is modified to read:

"6. ORTS will continue to be available in Lucerne Valley and Newberry Springs pending implementation of the ZUM Proposal."

4. Finding of Fact 7 is modified to read:

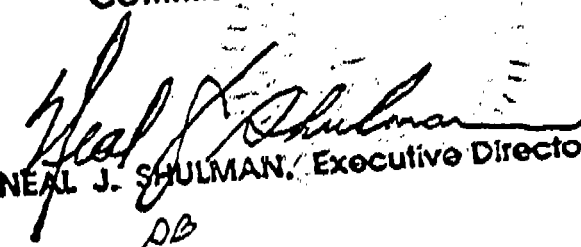
"7. Both with respect to Contel's present and future customers, the current ORTS "Call Bonus Wide Area Plans" and "Business Optional Calling Plans" will continue to be available except over the proposed ZUM Zone 2 and 3 routes for which the applicable ZUM Zone 2 and 3 rates will apply."

This order is effective today.

Dated February 6, 1991, at San Francisco, California.

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

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


NEAL J. SHULMAN, Executive Director
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