

L/bjk

Decision 91 02 048      FEBRUARY 21, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application      )  
of Pacific Bell (U 1001 C), a      )  
corporation, for approval of      )  
Basic Serving Arrangements,      )  
Basic Service Elements and      )  
Complementary Network Services      )

**ORIGINAL**  
Application No. 89-12-010  
(Filed December 5, 1989)

**ORDER GRANTING LIMITED REHEARING**  
**AND CONSOLIDATING A.89-12-010 WITH A.90-10-035**

PACIFIC BELL (Pacific) has filed an application for rehearing of Decision (D.) 90-11-076. We have read the application and note that it lacks any allegation of legal error or any request for rehearing, aside from its title. See Public Utilities Code § 1732 and Rule 86.1 of our Rules of Practice and Procedure (Rules). The application asks, rather, for modification of the decision in such a way as to reverse, in effect, our findings as to the applicability of § 2893 of the Public Utilities Code to FCI-nCTX service.

The modification asked for is outside the scope of petitions for modification of our decisions. See Rule 43 of our Rules. We are not inclined to make a reversal of our interpretation without further hearing and accordingly deny modification. However, we have already granted rehearing to Pacific in its Application 90-10-035, for the limited purpose of re-examining almost identical issues in proceedings connected with our Resolution T-14094 in response to Pacific's advice letter 15719. In the interests of administrative economy, and in order to achieve the consistency of decision which Pacific requests in its instant application for rehearing, we shall grant limited rehearing herein with respect to the issues set forth in D.90-12-103, and in Findings of Fact Nos. 6 and 7 and Ordering Paragraph 1 of D.90-11-076. We will further order the rehearing in this case consolidated with that in A.90-10-035.

Therefore, IT IS ORDERED that:

1. Limited rehearing of D.90-11-076 is hereby granted for the purpose of developing an evidentiary record on the following:
  - a. Issues a. through e. as set forth in Ordering Paragraph 1 of D.90-12-103; and
  - b. Findings of Fact Nos. 6 and 7 in D.90-11-076.
2. The limited rehearing in this proceeding is consolidated with the limited rehearing in A.90-10-035.
3. Ordering Paragraph 1 of D.90-11-076 is hereby stayed pending our decision in the consolidated rehearing.
4. Pacific's application for rehearing is hereby granted in part as set forth herein.

This order is effective today.

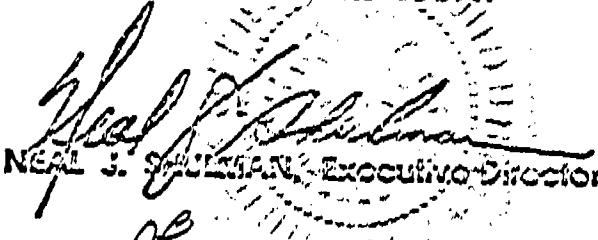
Dated February 21, 1991, at San Francisco, California.

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

I abstain.  
DANIEL WM. FESSLER  
Commissioner

I abstain.  
NORMAN D. SHUMWAY  
Commissioner

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

  
NEAL J. SULLIVAN, Executive Director