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Decision 91-07-003 July 2, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Pacific Bell )  
 (U 1001 C) Advice Letter No. 15719 )  
 to Revise Schedule Cal. P.U.C. )  
 Nos. A5. Exchange Services, )  
 5.11.1 Basic Service Elements and )  
 A9. Central Office Services, 9.1.1 )  
 Centrex and 9.4 Call Management )  
 Systems to be Consistent With )  
 California Public Utilities Code )  
 Section 2893. )

ORIGINAL

Application 90-10-035  
(Filed October 12, 1990)

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. )

Application 89-12-010  
(Filed December 21, 1990)

ORDER MODIFYING DECISION 91-02-048

Pacific Bell (Pacific) has petitioned the Commission to modify Decision (D.) 91-02-048, issued February 21, 1991, entitled Order Granting Limited Rehearing and Consolidating Application (A.) 89-12-010 with A.90-10-035 (Order Granting Limited Rehearing).

Pacific regards its petition as seeking only minor changes in D.91-02-048, and alleges in support of its request as follows:

1. D.91-02-048 stayed the authority to provide Forwarded Call Information/non-Centrex (FCI-NCTX) pending resolution of A.90-10-035, but inadvertently also suspended the authority to provide Warm Line and Answer Supervision services.
2. The narrow scope of Pacific's Application for Limited Rehearing and the Order Granting Limited Rehearing is clearly stated as addressing only one issue--the applicability of Public Utilities (PU) Code

Section 2893 to FCI-NCTX. The other two services, Warm Line and Answer Supervision, are not forwarded call information services and are not related to PU Code § 2893.

3. Ordering Paragraph 3 of the Order Granting Limited Rehearing inadvertently stayed entire Ordering Paragraph 1 of D.90-11-076, which granted Pacific authority to offer Warm Line, Answer Supervision and FCI-NCTX services. To clarify the limited scope of the order, Ordering Paragraph 3 of the Order Granting Limited Rehearing should be modified as follows:

Authority to offer FCI-NCTX as granted in Ordering Paragraph 1 of D.90-11-076 is hereby stayed pending our decision in the consolidated rehearing. (Modifying language is underlined.)

4. The tariffs for Warm Line and Answer Supervision had been in effect for approximately one month when the Order Granting Limited Rehearing was issued. Current and potential customers will be harmed if Pacific's authority to offer these services should be suspended.
5. Pacific considers this to be a minor change because a reading of the Order Granting Limited Rehearing demonstrates it was not the Commission's intent to suspend authority for Warm Line and Answer Supervision. Pacific believes the sole intent was to stay the authority for FCI-NCTX pending resolution of the consolidated proceeding.

Pacific's petition is appropriate in these circumstances and should be granted. Our Order Granting Limited Rehearing did not mention Warm Line and Answer Supervision services, and it was not our intent to suspend Pacific's authority to provide those services.

Findings of Fact

1. Ordering paragraph 1 of D.90-11-076 authorized Pacific to provide Answer Supervision, FCI-NCTX and Warm Line services for an interim two-year period.

2. Ordering Paragraph 3 of D.91-02-048 stayed entire Ordering Paragraph 1 of D.90-11-076, thereby inadvertently staying Pacific's authority to provide Warm Line and Answer Supervision services.

Conclusion of Law

Pacific's petition should be granted. Because of the circumstances this order should be effective on the date of signature.

O R D E R

IT IS ORDERED that:

1. Ordering Paragraph 3 of Decision 91-02-048 in Application 89-12-010 is modified to read as follows:

"Authority to offer FCI-NCTX as granted in Ordering Paragraph 1 of Decision (D.) 90-11-076 is hereby stayed pending our decision in the consolidated rehearing."

2. In all other respects D.91-02-048 shall remain in full force and effect.

This order is effective today.

Dated July 2, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SHULMAN, Executive Director

03