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Decision 91-09-050 September 25, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
US Telecom, Inc., doing business as)
Sprint Services, for a Certificate)
of Public Convenience and Necessity)
to Provide InterLATA Telecommun-)
ications Services within the State)
of California.)

ORIGINAL

Application 89-09-012
(Filed September 11, 1989)

Application of AT&T Communications)
of California, Inc. (U 5002 C) for)
Authority to Provide Intrastate)
AT&T MultiQuestSM Services.)

Application 89-10-019
(Filed October 6, 1989)

Application of MCI Telecommun-)
ications Corporation (U 5011 C))
Under Rule 15 of the Commission's)
Rules of Practice and Procedure for)
Authority to Provide Intrastate 900)
Service.)

Application 89-11-019
(Filed November 20, 1989)

In the Matter of the Investigation)
and Suspension on the Commission's)
own motion of tariffs filed by)
Advice Letters Nos. 8 and 9 of)
Telesphere Network, Inc.)

(I&S)
Case 89-11-020
(Filed November 20, 1989)

Order Instituting Investigation into)
the rates, charges, and practices)
of local exchange carriers in)
California.)

I.90-12-040
(Filed December 19, 1990)

OPINION

On June 14, 1991, US Telecom, Inc., doing business as Sprint Services ("Sprint"), filed a petition for modification of ordering paragraph 14 of Decision (D.) 91-03-021. Sprint seeks clarification that Sprint's tariff filings for 900 telephone

service are not subject to Sections IV, V, and VI of General Order (GO) 96-A, even though they are made in accordance with all other provisions of GO 96-A. Also, Sprint requests clarification that, as a nondominant interexchange carrier (NDIEC), the effectiveness of its future tariffs is subject to the schedule set forth in ordering paragraph 5 of D.90-08-032.

No protests were received.

Sprint's requests are moot. By D.90-08-032 we modified GO 96-A to incorporate the new effectiveness schedule for NDIEC tariffs.¹ Sprint is an NDIEC and its tariffs are subject to the newly modified GO 96-A. We do not need to clarify this further.

Sections IV, V, and VI of GO 96-A treat effective dates for increased rates, decreased rates, and no changes. To the extent Sections IV, V, and VI are inconsistent with the new effectiveness schedule, they are superseded. Sprint has shown no need to further specify an exception from Sections IV, V, and VI, and we see none.

We elect to take this opportunity to make clear, however, that the rates subject to this new schedule are those that the utility charges the information provider (IP), not those subject to the safeguards we established in D.91-03-021. That is, the price IPs charge callers is not subject to changes according to this new schedule, even though the utility through its billing agent charges the caller the IP's "rate" on behalf of the IP. Thus, NDIECs may increase and decrease the rates they charge the IP for transport, billing, and collection according to the new schedule, but may not by this schedule change the price limits that IPs may charge callers (e.g., \$2.00 per minute and \$4.00 per call for programs

¹ By D.90-12-102 we granted limited rehearing of D.90-08-032, but we did not suspend the rules adopted in D.90-08-032. The comment/workshop process ordered by D.90-12-102 is still in progress.

directed to persons below 18; \$5.00 for the first minute and \$2.00 for each additional minute, with a maximum total per call not to exceed \$50.00, for all programs not directed to children).

Findings of Fact

1. Sprint filed a petition for modification of D.91-03-021, seeking clarification that Sprint's tariff filings for 900 telephone service are not subject to Sections IV, V, and VI of GO 96-A (even though they are made in accordance with all other provisions of GO 96-A), and that as an NDIEC the effectiveness of its future tariffs is subject to the schedule set forth in ordering paragraph 5 of D.90-08-032.

2. No protests were filed.

3. The modifications sought by Sprint are already incorporated in GO 96-A by D.90-08-032.

4. There is no further need to exempt Sprint 900 tariff filings from Sections IV, V, and VI of GO 96-A.

5. The rates subject to the tariff effectiveness schedule for NDIECs in newly modified GO 96-A by D.90-08-032 are those that the utility charges the IP, not the prices that the IP charges the caller (which the utility through its billing agent charges the caller on behalf of the IP).

Conclusions of Law

1. Sprint's petition for modification should be denied.

2. This order should be made effective today since there are no protests, and clarification should be made without delay.

ORDER

IT IS ORDERED that the petition to modify Decision 91-03-021 filed by US Telecom, Inc., doing business as Sprint Services, is denied.

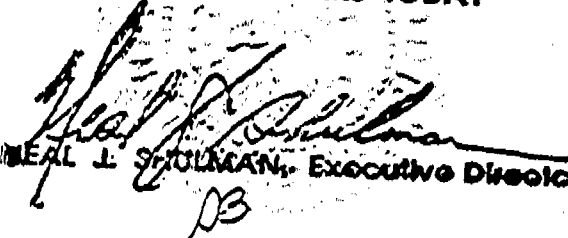
This order is effective today.

Dated September 25, 1991, at San Francisco, California.

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

I abstain.
/s/ G. MITCHELL WILK
Commissioner

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


NEAL J. SHULMAN, Executive Director
DB