

Mailed

Decision 91-12-009 December 4, 1991

DEC 4 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 Telecommunications)
Services within the State of)
California.)

ORIGINAL
Application 89-09-012
(Filed September 1, 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 Telecommunications)
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)

ORDER GRANTING ADDITIONAL COMPENSATION

Consumer Action was awarded \$12,084.12 in Decision (D.) 91-08-014 for its contribution to D.91-03-021. Consistent with our policy expressed in D.91-07-001, the award excluded compensation for 8.75 hours spent in preparing its request for compensation. In D.91-11-029, we granted Consumer Action's application for rehearing of D.91-08-014.

We have reconsidered the record consistent with our intent in D.91-11-029. We find that Consumer Action should be reimbursed the 8.75 hours spent on preparation of its request for compensation, reduced by 27.6%. The 27.6% reduction reflects the duplication in contribution with other parties. We apply the reduction to the hours spent on preparing the compensation request just as we apply it to all hours expended by Consumer Action since all hours reflect partial duplication of effort with other parties.

The compensation should be at the \$100 per hour rate found reasonable in D.91-08-014 for Consumer Action's Executive Director McEldowney. The responsibility for paying Consumer Action's compensation should be equally divided between US Telecomm, Inc., doing business as Sprint Services (Sprint), AT&T Communications of California, Inc. (AT&T), MCI Telecommunications Corporation (MCI) and Telephone Network, Inc. (Telesphere), just as we found such allocation reasonable in D.91-08-014.¹

Moreover, just as D.91-08-014 provided for interest commencing on July 1, 1991, (the 75th day after Consumer Action filed its request), this order will provide for interest on this additional compensation from July 1, 1991, with interest calculated

1 We note Telesphere may either be in bankruptcy proceedings or in the process of reorganizing. In either event, the share of Consumer Action's compensation payable by Telesphere should be sought from Telesphere.

at the three-month commercial paper rate beginning July 1, 1991 and continuing for each utility until that utility makes its full payment of the award. Interest will be paid from July 1, 1991 since Consumer Action should not be penalized for our reversing our position on this matter.

Findings of Fact

1. Consumer Action spent 8.75 hours preparing its request for compensation.
2. A composite reduction of 27.6% was found in D.91-08-014 to represent the amount of duplication of effort between Consumer Action and other parties.
3. An hourly rate of \$100 was authorized for Consumer Action's McEldowney in D.91-08-014.
4. D.91-08-014 divided the responsibility for paying Consumer Action's compensation equally between Sprint, AT&T, MCI and Telesphere.
5. This order should be made effective today since the original request was unopposed and this order simply applies the result found reasonable in D.91-11-029.

Conclusions of Law

1. Reimbursable hours for Consumer Action's preparation of its compensation request should be 8.75 hours, reduced by 27.6% for duplication of effort with other parties.
2. The hourly rate should be \$100.00.
3. Reasonable additional compensation for Consumer Action's effort in preparing its compensation request is \$633.50.
4. Sprint, AT&T, MCI, and Telesphere should each be ordered to pay \$158.38, plus interest at the three-month commercial interest rate beginning July 1, 1991 and continuing for each utility until that utility makes its full payment of the award.

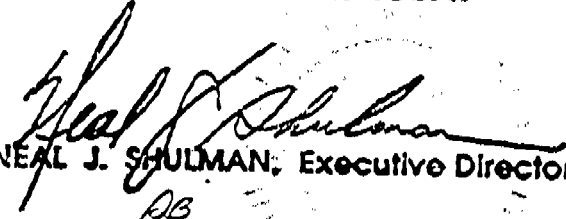
IT IS ORDERED that US Telecom, Inc., doing business as Sprint Services, shall pay \$158.38; AT&T Communications of California, Inc. shall pay \$158.38; MCI Telecommunications Corporation shall pay \$158.38; and Telesphere Network, Inc. shall pay \$158.38 to Consumer Action. These payments shall be increased to include interest calculated at the three-month commercial paper rate beginning July 1, 1991 and continuing for each utility until that utility makes its full payment of the award.

This order is effective today.

Dated December 4, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
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
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