

SEP 4 1992

Decision 92-09-047 September 2, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Cellular Resellers Association, Inc., )

Complainant, )

v. )

GTE Mobilnet of California )  
Limited Partnership (U-3002-C), )

Defendant. )

Case 90-12-012  
(Filed December 5, 1990)

Armour, Goodin, Schlotz & MacBride, by  
James D. Squeri, Attorney at Law, for  
GTE Mobilnet of California Limited  
Partnership, defendant.  
Peter A. Casciato, Attorney at Law,  
for Cellular Resellers Association,  
Inc., complainant.

OPINION

Background

We opened Investigation (I.) 88-11-040 on November 23, 1988 to obtain testimony on whether the cellular regulatory framework established in the 1983 Los Angeles and San Francisco cellular market certificate proceedings was meeting the Commission's objectives and to determine whether this framework should be changed.

Pursuant to the investigation, we issued Decision (D.) 90-06-025 (generic cellular decision), 36 CPUC2d 464, on June 6, 1990, which, among other cellular matters, required facilities-based cellular carriers to implement a volume user tariff for their customers if sufficient demand existed within the carriers' metropolitan statistical area (MSA). Carriers choosing to implement a volume user tariff were required to set the volume user tariff rate at least five percent (5%) higher than the carriers' wholesale rate. To qualify for the volume user tariff the volume user entity must serve as the master customer and must guarantee

payment for all usage by its members or employees. Wholesale service was to be provided to certificated cellular carriers only.

The generic cellular decision also required cellular carriers to include in its volume user tariff specific consumer protection provisions such as notification to the volume user entity's individual subscribers that: (1) the volume user is not a public utility; (2) disputes between the volume user and members or employees of the volume user will not be resolved by the Commission; (3) cellular service may be discontinued if the volume user does not pay its bills; and (4) the volume-user is not permitted to markup services billed by the utility or charge special cellular service fees.

Complaint

On December 5, 1990, Cellular Resellers Association, Inc. (CRA) filed a complaint against GTE Mobilnet of California Limited Partnership (defendant or Mobilnet) alleging that defendant entered into an arrangement with the Printing Industries of Northern California (PIN), a nonprofit affinity group, to provide wholesale cellular service to PIN members instead of large user (volume user) cellular services as required by the generic decision and by D.90-10-047 (decision denying rehearing and modification of the generic decision).

CRA requested that Mobilnet be ordered to cease and desist from providing wholesale service to PIN and that Mobilnet be assessed the maximum \$2,000 fine for each PIN member activated or signed up by Mobilnet, pursuant to Public Utilities (PU) Code §§ 2107 and 2109.

Subsequently, on December 7, 1990, CRA filed an amendment to its complaint. Other than explaining the purpose of Exhibit 1 attached to its original complaint, the amended complaint was substantially identical to CRA's original complaint.

Answer

In its January 11, 1991 answer to the complaint, Mobilnet acknowledged that it entered into an arrangement with PIN to provide wholesale cellular service to PIN members. However, Mobilnet explained that it offered and provided wholesale service to PIN members because PIN complied with defendant's wholesale tariff requirements. If Mobilnet did not offer its wholesale service to PIN, Mobilnet explained that it would be in violation of PU Code § 453, the Commission's anti-discrimination provision.

Defendant also justified its action by explaining that the generic cellular decision did not require Mobilnet to immediately establish and to implement a volume user tariff. Defendant relied on Ordering Paragraph 18 of the decision, *id.* at 517, which states that a volume user tariff shall be implemented if sufficient demand existed within a MSA (emphasis added).

Mobilnet explained that it offered and provided tariff wholesale service to PIN while it evaluated whether sufficient demand for a volume user tariff existed. Upon completing its evaluation, Mobilnet concluded that there was sufficient demand for volume user service and filed its Advice Letters 60 and 61 to implement its volume-user tariff. Advice Letter 60, filed December 14, 1990, established a volume user tariff for non-public utility large users and incorporated the consumer protection requirements imposed by the generic cellular decision. Advice Letter No. 61, filed December 19, 1990, clarified that Mobilnet's wholesale tariff was restricted to certified cellular resellers.

Hearings

A prehearing conference was held in San Francisco before Administrative Law Judge Galvin on February 6, 1991. Subsequently, on February 21, 1991, in response to a Mobilnet prehearing statement, which affirmed that Mobilnet would continue to offer PIN wholesale service, CRA filed a cease and desist motion to prevent Mobilnet from providing wholesale service to PIN and any other

volume user. In addition to the generic cellular decision and denial of rehearing decision, CRA cited D.91-01-033, 39 CPUC2d 268, identified but not reported, as support for its cease and desist motion.

Mobilnet responded to CRA's motion on March 11, 1991. In its response, defendant reiterated its defense offered in its answer to the complaint and further explained that D.91-01-033, *id.*, allowed carriers until March 1, 1991, to submit volume user tariffs in conformance with the generic cellular decision and required such carriers to conform their cellular service to large user customers by May 1, 1991.

A cease and desist order was not issued.

An evidentiary hearing was held on April 10, 1991. Steven Muir, president of Comtech Mobile Telephone Company and secretary-treasurer of CRA, testified for CRA. James Butler, business and governmental affairs manager for Mobilnet's Pacific Region, testified as a hostile witness for complainant. This proceeding was submitted upon receipt of reply briefs on May 3, 1991.

#### Discussion

The issue in this complaint case is whether Mobilnet violated the generic cellular decision by offering and providing cellular wholesale service to PIN members instead of volume user service.

CRA's complaint that the generic decision required defendant to establish and to provide a volume user tariff is correct only to the extent that there is a demand for such service. Clearly, the reason for requiring the implementation of a volume user tariff if a "sufficient demand" existed was to provide the facilities-based carriers a reasonable period of time to assess whether such a tariff was in demand and viable for its individual operating area. The volume user tariff was not intended to be

effective immediately or to be effective if a demand for such service did not exist.

Contrary to CRA's assertion that the generic decision required Mobilnet to establish a volume user tariff upon Mobilnet's entering into an agreement with PIN to provide wholesale service, it was not until the issuance of D.91-01-033, *id.*, that a specific time period was established for the facilities-based carriers to implement a volume user tariff. Pursuant to that decision, Mobilnet had until March 1, 1991, to "submit" an advice letter and until May 1, 1991, to conform to the generic decision.

Butler explained that Mobilnet entered into its wholesale agreement with PIN on August 15, 1990 because PIN met Mobilnet's wholesale tariff requirements. This was approximately two months after the issuance of the generic cellular decision and five months prior to the issuance of the subsequent decision requiring facilities-based carriers to submit a volume tariff by March 1, 1992. Mobilnet activated 171 PIN customers under Mobilnet's wholesale tariff on October 5, 1990, at which time Mobilnet began providing wholesale service to PIN members. By April 10, 1991, defendant had activated 200 PIN members.

Mobilnet submitted its Advice Letter 60 approximately one month prior to the issuance of the decision that established the March 1, 1991 submittal date and five months prior to the May 1, 1991 mandated deadline. Therefore, Mobilnet was in compliance with the cellular decision's requirement that tariffs be submitted by March 1, 1991.

Although Mobilnet requested a January 13, 1991, effective date for its advice letter, Mobilnet represented that it was not effective until February 22, 1991, because of a protest to its advice letter. On the other side, CRA asserted that the advice letter was effective on the Mobilnet's January 13, 1991, requested date.

Consistent with Mobilnet's understanding of the effective date of Advice Letter 60, Mobilnet activated all PIN subscribers requesting service after February 22, 1991, under its initial volume user tariff implemented by the advice letter. Those PIN members activated prior to that date were being phased off the wholesale tariff rates and onto the volume user tariff rates by May 1, 1991, the mandated compliance date. Again, Mobilnet was in compliance with the cellular decisions.

Advice Letter 61's transmittal sheet, a stipulated fact, clarified that "as of the effective date of Advice Letter 60, the rates set forth in the wholesale schedule will be applicable only to California Public Utilities Commission certificated resellers." Consistent with its assumption that Advice Letter 60 was effective on February 22, 1991, Mobilnet assumed that Advice Letter 61 was effective February 22, 1991. CRA asserted that the effective date of Advice Letter 61 was as early as December 20, 1991, the day after Mobilnet filed it, or as late as January 19, 1991, 30 days after Mobilnet's filing.

Although both parties had reasons for believing that their respective effective dates were valid, neither were correct. In disputes like this, the effective date stamped on the original tariff filing with the Commission should govern. Therefore, to resolve this dispute we take official notice of Mobilnet's original filings with the Commission which show a January 14, 1991, effective date for Advice Letter 60 and a December 19, 1990, effective date for Advice Letter 61, Appendix A to this order.

This meant that defendant was technically in violation of its filed tariffs because Mobilnet provided non-tariffed wholesale service to those PIN members activated by Mobilnet between October 5, 1990, and February 22, 1991, during a 4-1/2 month transition of wholesale service to volume user service from December 19, 1991 to May 1, 1991.

CRA, with the burden of proof in this complaint proceeding, provided no evidence to substantiate its complaint and amended complaint. Although not required in this proceeding, Mobilnet substantiated that the generic cellular decision and subsequent decisions did not require defendant to enter into an arrangement with PIN to provide volume user service instead of the wholesale cellular service that Mobilnet provided to PIN prior to the May 1, 1991 mandatory date. Therefore, CRA's complaint and amended complaint should be dismissed.

Mobilnet's technical violation of its wholesale tariffs during the December 19, 1990, to May 1, 1991, time period, an event that occurred after the filing of CRA's complaint, was not an issue raised in CRA's complaint or amended complaint. However, it needs to be resolved.

CRA's witness Muir attempted to demonstrate in his testimony that Comtech Mobile Telephone Company (Comtech) and other resellers lost their ability to compete with Mobilnet for any potential subscribers who, like PIN members, received wholesale service rates from Mobilnet. He explained that 12 of Comtech's subscribers left Comtech for Mobilnet's service. However, Muir did not provide any testimony to explain why these 12 subscribers left Comtech, whether it was because of Mobilnet's wholesale tariff or whether it was because of other reasons. Based on the evidence presented in this proceeding, we can only conclude that resellers were not harmed by Mobilnet providing wholesale service to PIN members. Although the testimony did not specifically address any impact of the technical violation, it did give us an insight on the impact on Mobilnet's competitors.

If Mobilnet had not filed its Advice Letter 61, the technical violation would not have occurred. The evidence that led to the discovery of the technical violation does not indicate that Mobilnet intentionally violated its tariffs. On the contrary, it shows that Mobilnet attempted to comply with the cellular decisions

by offering volume user service prior to the recommended March 1, 1991, tariff submittal date and to phase its subscribers off of the wholesale tariff to the volume user tariff by the mandatory May 1, 1991, effective date for applicable tariffs.

We conclude that Mobilnet based its actions resulting in a technical violation of its wholesale tariffs on a careless interpretation of effective tariff dates. Therefore, we will not open an investigation to assess whether a penalty should be imposed.

Findings of Fact

1. CRA alleged that defendant entered into an arrangement with PIN to provide wholesale service instead of volume user service required by D.90-06-026 and D.90-10-047.
2. D.90-06-026 required facilities-based carriers to implement a volume user tariff only if a "sufficient demand" existed.
3. The volume user tariff was not intended to be effective immediately or to be effective if a demand for such service did not exist.
4. D.90-06-026 and D.90-10-047 did not establish a specific time period to establish a volume user tariff.
5. Mobilnet entered into a wholesale agreement with PIN because PIN met the wholesale tariff requirements.
6. D.91-01-033 required facilities-based carriers to submit any volume user tariffs by March 1, 1991, and to conform to a volume user tariff by May 1, 1991.
7. Mobilnet's submittal of Advice Letter 60 on December 14, 1991 was not out of compliance with the generic cellular decisions.
8. Mobilnet's activation of PIN subscribers requesting service after February 22, 1991, under the volume user tariff complied with the May 1, 1991, mandatory volume user tariff date.
9. Mobilnet's transition of PIN members activated prior to February 22, 1991, off of the wholesale tariff to the volume user



tariff by May 1, 1991 complied with the May 1, 1991, mandatory volume user tariff date.

10. Advice Letter 60 was effective on January 14, 1992 and Advice Letter 61 was effective December 19, 1990.

11. There was a technical violation of Mobilnet's wholesale tariffs during the December 19, 1990, to May 1, 1991, time period.

Conclusion of Law

The complaint should be dismissed.

ORDER

IT IS ORDERED that the complaint in Case 90-12-012 is dismissed.

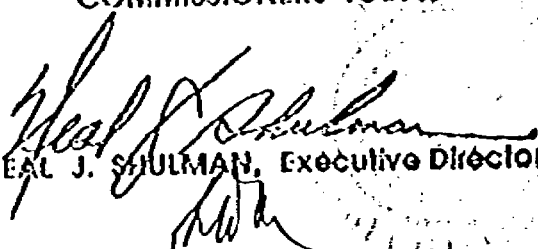
This order becomes effective 30 days from today.

Dated September 2, 1992, at San Francisco, California.

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

Commissioner Patricia M. Eckert,  
being necessarily absent, did not  
participate.

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

  
NEAL J. SHULMAN, Executive Director

LIST OF EFFECTIVE SHEETS

<u>Sheet</u>	<u>Number of Revision</u>	
<u>Title</u>	1st Revised	
1	27th Revised	(T)
2	12th Revised	(T)
3	Original	
4	2nd Revised	
4A	Original	
5	2nd Revised	
5A	2nd Revised	
5B	2nd Revised	
5C	6th Revised	(T)
5D	3rd Revised	(T)
5E	Original	(N)
6	Original	
7	Original	
8	1st Revised	
9	5th Revised	
10	10th Revised	
11	1st Revised	
12	Original	

Advice Letter No. 60

Decision No. \_\_\_\_\_

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

Date Filed: DEC 14 1990  
Effective: JAN 14 1991  
Resolution No. \_\_\_\_\_

GTE MOBILNET OF CALIFORNIA,  
LIMITED PARTNERSHIP  
Hayward, California

Schedule Cal. P.U.C. No. 6-T  
12th Revised Cal. P.U.C. Sheet No. 2  
Cancels 11th Revised Cal. P.U.C. Sheet No. 2

RETAIL CELLULAR TELECOMMUNICATIONS SERVICE

REVISED AND SUPERSEDED  
ADVISE LETTER NO.

TABLE OF CONTENTS

	<u>Page</u>	
APPLICATION OF TARIFF	4	
CONTENTS	2	
EXPLANATION OF SYMBOLS	3	
LIST OF EFFECTIVE SHEETS	1	
RATES AND CHARGES	6	
ADDITIONAL ACCESS NUMBERS	5E	(T)
BASIC PLAN	5	
CALL ANSWERING SERVICE	8	
CALL RESTRICTION CHARGES	7	
CONTRACT RATE PLAN SWITCHING	5E	(T)
DETAILED BILLING CHARGES	8	
DIRECTORY LISTING	8	
ENHANCED SERVICES	6	
GOVERNMENTAL AGENCY RATE	5C, 5D	
LARGE USER RATE	5D, 5E	(N)
ONE YEAR BASIC CONTRACT RATE PLAN	5A, 5B	
ONE YEAR PERSONAL COMM. CONTRACT RATE	5B, 5C	
PERSONAL COMMUNICATIONS PLAN	5A	
PROMOTIONAL OFFERINGS	9-12	
RESTORATION OF TERMINATED SERVICES	5E	(T)
RETURNED CHECK CHARGE	8	
SERVICE DEPOSIT	8	
SERVICE PLAN	5	
RATE PERIODS FOR USAGE	5	
SPECIAL CONDITIONS	4	
TERRITORY	4	
TIMING OF CALLS	4A	
TITLE PAGE	Title	

Advice Letter No. 60

Decision No. \_\_\_\_\_

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

Date Filed: DEC 14 1990

Effective: JAN 14 1991

Resolution No. \_\_\_\_\_

GTE MOBILNET OF CALIFORNIA,  
LIMITED PARTNERSHIP  
Hayward, California

Schedule Cal. P.U.C. No. 6-T  
6th Revised Cal. P.U.C. Sheet No. 5C  
Cancels 5th Revised Cal. P.U.C. Sheet No. 5C

RETAIL CELLULAR TELECOMMUNICATIONS SERVICE

~~REVISED AND SUPERSEDED~~  
SERVICE LETTER NO. 65

RATES AND CHARGES (Continued)

(4) One Year Personal Communications Contract Rate (Continued)

(e) One Year Personal Communications Contract Rate Provisions.

The contract term is one year. If the Customer discontinues service under the One Year Personal Communications Contract Rate prior to the conclusion of the initial or any renewal period, the Customer agrees to pay the Company, in addition to all the charges incurred, a charge of \$170.00, per Access Number. This charge does not apply to deceased customer or customers that have transferred out of the Company's cellular service area. Proof, as determined by the Company, of such occurrence must be provided to the Company before this charge is waived.

(5) Governmental Agency Rate\*

Available to all governmental agencies as defined in CPUC General Order No. 96-A. (T)  
(T)

- (a) Activation Fee  
To activate or change an Access Number, or to add or modify call restriction features; per Access Number affected: \$15.00
- (b) Access Charge  
Access to the Cellular Telephone System for agencies subscribing to 100 Access Numbers or less; per Access Number, per month: \$30.50  
  
Access to the Cellular Telephone System for agencies subscribing to 101 Access Numbers or more; per Access Number, per month: \$28.25
- (c) Usage Charge  
Each minute of usage during Peak Period: \$ 0.36  
Each minute of usage during Off-Peak Period: \$ 0.16

\* This rate is not available to customers located in the San Luis Obispo Service Area.

Advice Letter No. 60

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

Date Filed: DEC 14 1990  
Effective: JAN 14 1991  
Resolution No. \_\_\_\_\_

Decision No. \_\_\_\_\_

RETAIL CELLULAR TELECOMMUNICATIONS SERVICE

A. Service Plan (Continued)

(5) Governmental Agency Rate (Continued) 84

- (d) Enhanced Services
- |   |        |
|---|--------|
| Each feature selected; per Access Number,<br>per month: | \$2.00 |
| Any four features; per Access Number,<br>per month:     | \$5.00 |
| All features; per Access Number, per month:             | \$9.00 |

(6) Large User Rate (N)

(a) Activation Fee

To activate, restore or change an access number, or to add or modify call restriction features; per access number affected: \$ 25.00

(b) Access Charge

Access to the Cellular Telephone System; per month, per access number:

1. 50-100 access numbers:	\$ 35.00
2. 101+ access numbers:	\$ 32.50

(c) Usage Rate

Each minute of Usage during Peak Periods: \$ 0.415

Each minute of Usage during Off-Peak Periods: \$ 0.200

(d) Provisions

This Large User Rate is available to any entity subscribing to at least fifty access numbers. The entity subscribing to this Plan must also serve as the master customer, guarantee payment for all usage by its members, and not apply any additional charges to its members for these services. The Company will not bill or collect from any end user directly. The Company will only bill the subscribing entity serving as the master customer.

(N)

Advice Letter No. 60

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

Date Filed: DEC 14 1990

Effective: JAN 14 1991

Decision No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

GTE MOBILNET OF CALIFORNIA,  
LIMITED PARTNERSHIP  
Hayward, California

Original Cal. P.U.C. Sheet No. 5E

RETAIL CELLULAR TELECOMMUNICATIONS SERVICE

(6) Large User Rate (Continued)

(N)

(d) Provisions (Continued)

Service to a customer of the Large User Rate may be suspended or discontinued if the entity fails to pay its bills, or fails to comply with any rules, as set forth in this tariff, or any agreement. The California Public Utilities Commission will not resolve disputes between the subscribing entity and its subscribing members. Small claims court and other similar fora are available to resolve disputes if necessary.

(N)

(7) Contract Rate Plan Switching

(L)(T)

Any retail customer taking service under the One Year Basic Contract Rate plan, for a period of less than sixty (60) days, may switch services to the One Year Personal Communications Contract Rate plan, and vice versa, without penalty or charge.

Any retail customer taking service under the One Year Personal Communications Contract Rate plan, for a period in excess of sixty (60) days, may switch to the One Year Basic Contract Rate plan without penalty or charge.

Any retail customer taking service under the One Year Basic Contract Rate Plan, for a period in excess of sixty (60) days, may switch to the One Year Personal Communications Plan for a fee of \$25.00.

(8) Restoration of Terminated Services

(T)

Any customer previously taking cellular service from the Company may reactivate service within sixty (60) days of termination without incurring the otherwise applicable activation fee.

(9) Additional Access Numbers

(T)

Any retail customer taking service in GTE Mobilnet of Santa Barbara, Ltd.'s service area may subscribe to an access number in the San Luis Obispo Service Area, as provided by the Company, at a reduced rate. The monthly access charge will be \$15.00. All other rates will be applied as set forth in the current tariff.

The additional access number must be applied to the Customer's cellular telephone, as identified by its electronic serial number.

(L)

Advice Letter No. 60

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

Date Filed: DEC 14 1990

Effective: JAN 14 1991

Decision No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

GTE MOBILNET OF CALIFORNIA,  
LIMITED PARTNERSHIP  
Hayward, California

Schedule Cal. P.U.C. No. 2-T  
23rd Revised Cal. P.U.C. Sheet No. 1  
Cancels 22nd Revised Cal. P.U.C. Sheet No. 1

LIST OF EFFECTIVE SHEETS

<u>Sheet</u>	<u>Number of Revision</u>	
<u>Title</u>	<u>Original</u>	
1	23rd Revised	(T)
2	9th Revised	(T)
3	Original	
4	2nd Revised	(T)
5	3rd Revised	(T)
6	4th Revised	
6A	1st Revised	
6B	4th Revised	
6C	3rd Revised	
6D	4th Revised	(T)
6E	3rd Revised	(T)
7	Original	
8	2nd Revised	
9	8th Revised	
10	3rd Revised	

Advice Letter No. 61

Decision No. \_\_\_\_\_

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

Dated Filed DEC 19 1990Effective DEC 19 1990

Resolution No. \_\_\_\_\_

WHOLESALE CELLULAR TELECOMMUNICATIONS SERVICE

TABLE OF CONTENTS

	<u>Page</u>	
APPLICATION OF TARIFF	4	
CONTENTS	2	
EXPLANATION OF SYMBOLS	3	
LIST OF EFFECTIVE SHEETS	1	
RATES AND CHARGES		
ACCESS AND USAGE CHARGES	6	
BILLING TAPE CHARGE	8	
CALL RESTRICTION CHARGES	8	
ENHANCED SERVICES	7	
EXPERIMENTAL OFFERINGS	9	
MAINTENANCE OF SERVICE CHARGE	8	
MR. RESCUE ROAD SERVICES	6E	
ONE YEAR BASIC CONTRACT PLAN	6B, 6C	
ONE YEAR PERSONAL COMM. CONTRACT RATE	6D	
PERSONAL COMMUNICATIONS PLAN	6A	
SERVICE CHARGES	6	
THREE YEAR CONTRACT PLAN	6A, 6B	
RATE PERIODS FOR USAGE	5	
SPECIAL CONDITIONS	5	(T)
TERRITORY	4	
TIMING OF CALLS	5	
TITLE PAGE	Title	

Advice Letter No. 61

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

Dated Filed DEC 19 1990

Effective DEC 19 1990

Decision No. \_\_\_\_\_

Resolution No. \_\_\_\_\_



WHOLESALE CELLULAR TELECOMMUNICATIONS SERVICE

APPLICATION OF TARIFF

This tariff applies to the wholesale provision of Cellular Telephone Services within the greater San Francisco, San Jose, Vallejo-Fairfield-Napa, Santa Rosa-Petaluma, Santa Cruz and Salinas-Seaside-Monterey Metropolitan Statistical Areas and the San Luis Obispo Rural Statistical Area, as authorized by the California Public Utilities Commission.

Cellular Telephone Services are furnished by GTE Mobilnet of California, Ltd. Partnership through facilities which are interconnection to the public switched telephone network. When services and facilities are provided in part by other companies, these regulations apply only to that portion the Company provides. The Company does not transmit messages, but offers the use of its facilities, where available, for communication between parties subject to the terms and conditions and at the rates specified throughout this tariff.

The Company will provide Cellular Telephone Services pursuant to this schedule to any reseller, as certified by the California Public Utilities Commission and taking fifty access numbers or more, in order to provide such services, at retail, to third parties. Customers who obtain Cellular Telephone Services in order to provide such services at retail to third parties must be certified to do so by the California Public Utilities Commission (See Schedule Cal. P.U.C. No. 3-T, Rule 19). Customers who obtain Cellular Telephone Services from the Company pursuant to this tariff do so non-exclusively.

(C)  
|  
(C)

As of the effective date of Advice Letter No. 60, the rates set forth in this schedule are applicable only to California Public Utilities Commission certified resellers. Customers requesting service in bulk should refer to the rates and conditions of the "Large User Rate," as set forth in this tariff's Schedule Cal. P.U.C. No. 6-T.

(N)  
|  
(N)

TERRITORY

The service area is located within the greater San Francisco, San Jose, Vallejo-Fairfield-Napa, Santa Rosa-Petaluma, Santa Cruz and Salinas-Seaside-Monterey Metropolitan Statistical Areas and the San Luis Obispo Rural Statistical Area, as shown on the maps filed as part of this tariff.

Advice Letter No. 61

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

Dated Filed DEC 19 1990  
Effective DEC 19 1990

Decision No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

WHOLESALE CELLULAR TELECOMMUNICATIONS SERVICE

SPECIAL CONDITIONS

All Customers taking service in San Luis Obispo may leave that service area (see Schedule Cal. P.U.C. No. 1-T, Original Cal. P.U.C. Sheet No. 4F) and enter GTE Mobilnet of Santa Barbara, Limited Partnership's service area without incurring any roamer charges. (L)

All customers taking service in the San Luis Obispo service area (see Schedule Cal. P.U.C. No. 1-T, Original Cal. P.U.C. Sheet No 4F) that enter any of the other GTE Mobilnet of California, Limited Partnership service areas (see Schedule Cal. P.U.C. No. 1-T) will incur roaming charges, in addition to other carrier charges (see Schedule Cal. P.U.C. No. 3-T, Original Cal. P.U.C. Sheet No. 34). (L)

TIMING OF CALLS

- A. Chargeable time for calls originated by a Cellular Telephone begins when the called number answers and ends when the Cellular Telephone disconnects.
- B. Chargeable time for calls received by a Cellular Telephone begins when the call is answered and ends when the Cellular Telephone disconnects.
- C. Usage on each call is rounded up to the next minute for billing purposes.
- D. When a connection is established in one rate period and ends in another, the rate in effect for each period applies to the portion of the connection occurring within each rate period.

RATE PERIODS FOR USAGE

Applicable rates are based on the time of day and day of week as follows:

A. Peak Period

7:00 a.m. to 7:00 p.m. - Monday through Friday

B. Off-Peak Period

7:00 p.m. to 7:00 a.m. - Monday through Friday and all day on Saturday, Sunday and the holidays specified below:

New Year's Day	Thanksgiving
Washington's Birthday	Christmas
Independence Day	Memorial Day
Labor Day	

Advice Letter No. 61

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

Dated Filed DEC 19 1990

Effective DEC 19 1990

Decision No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

WHOLESALE CELLULAR TELECOMMUNICATIONS SERVICE

B. Access and Usage Charges (Continued)

5. ONE YEAR PERSONAL COMMUNICATIONS CONTRACT RATE

(a) One Year Personal Communications Plan Contract Rate Provisions.

The contract term is one year. The contract is automatically renewed unless written notification is received by the Company at least thirty days prior to the end of the contract term. Any Customer subscribing to the wholesale Three Year Contract Rate may also subscribe to a One Year Personal Communications Contract Rate Plan. This rate is offered to all Customers committing specific access numbers, by way of a signed contract, to the One Year Personal Communications Contract Rate. If the Customer terminates an individual Access Number contract prior to the end of the initial or any renewal term, the Customer will be assessed a fee of \$127.50 for each terminated Access Number.

- (b) Access to the Cellular Telephone system;  
per number, per month: \$14.96
- (c) Usage Charge
  - Each minute of usage during Peak Periods: \$ 0.72
  - Each minute of usage during Off-Peak Periods: \$ 0.16
- (d) Enhanced Services are included at no charge  
per Access Number affected.

6. CONTRACT RATE PLAN SWITCHING

Any wholesale customer taking service under the One Year Basic Contract Rate plan, for a period of less than sixty (60) days, may switch services to the One Year Personal Communications Contract Rate plan, and vice versa, without penalty or charge. (D)

Advice Letter No. 61

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

Dated Filed DEC 19 1990

Effective DEC 19 1990

Decision No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

WHOLESALE CELLULAR TELECOMMUNICATIONS SERVICE

B. Access and Usage Charges (Continued)

6. CONTRACT RATE PLAN SWITCHING (Continued)

Any wholesale customer taking service under the One Year Personal Communications Contract Rate plan, for a period in excess of sixty (60) days, may switch to the One Year Basic Contract Rate plan without penalty or charge. (D)

Any wholesale customer taking service under the One Year Basic Contract Rate Plan, for a period in excess of sixty (60) days, may switch to the One Year Personal Communications Plan for a fee of \$15.00.

7. MR. RESCUE ROAD SERVICES

Any wholesale customer subscribing to 5,000 or more Access Numbers will receive Mr. Rescue Road Services for each Access Number at no charge. Said customer must have been on the Company's cellular system for twelve months and consistently paid for all associated charges on time during those twelve months. The provisions for timely payment of charges are set forth in the Company's Schedule Cal. P.U.C. No. 3-T, Sheet No. 14, Payment of Charges. This offering will terminate on August 31, 1990.

Mr. Rescue Road Services provides assistance for minor automobile related emergencies such as tire repair, battery recharging, and refueling services.

Advice Letter No. 61

Decision No. \_\_\_\_\_

Issued by  
Mark O. Ripley  
Name  
General Manager  
Title

(END OF APPENDIX A)

Dated Filed DEC 19 1990

Effective DEC 19 1990

Resolution No. \_\_\_\_\_