

OCT 21 1992

Decision 92-10-035 October 21, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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.)

ORIGINAL

(I&S)
 Case 89-11-020
 (Filed November 22, 1989)

- Thomas J. MacBride, Jr. and Barbara Snider,
 Attorneys at Law, for Telesphere Network,
 Inc., respondent.
Kristin Ohlson, Attorney at Law, for Pacific
 Bell, protestant.
Randolph W. Deutsch, Attorney at Law, for AT&T
 Communications of California and Alan Weiss,
 Attorney at Law, for MCI Telecommunications
 Corporation, interested parties.
Janice Grau, Attorney at Law, and Tom Doub,
 for the Division of Ratepayer Advocates.

FINAL OPINION

Investigation and suspension Case (C.) 89-11-020 orders:

1. An investigation to determine if Telesphere Network, Inc.'s (Telesphere) Advice Letters 8 and 9 are unreasonable or unlawful in any respect and to issue any order(s) that may be lawful and appropriate in the exercise of the Commission's jurisdiction;
2. Suspension of Advice Letters 8 and 9 pending the outcome of the investigation.

Advice Letters 8 and 9 provide for interLATA information access service within California over Telesphere's facilities using the 900 area code.

Telesphere filed an application for rehearing of the order suspending the advice letters. Decision (D.) 90-01-022 granted limited rehearing. After hearing, D.90-03-030 suspended Advice Letters 8 and 9.

The investigation was combined with proceedings initiated by US Telecom, Inc., AT&T Communications of California, Inc., and MCI Telecommunications Corporation seeking to provide similar intrastate, interLATA information services using the 900 area code. Before issuing our decision in the combined proceedings, we issued D.90-11-055 directing Telesphere to show why it should not be ordered to cease and desist from providing intrastate 900 service without Commission authority in violation of D.90-03-030. While the cease and desist matter continued, we issued D.91-03-021 in the combined proceedings. D.91-03-021 rejects Telesphere Advice Letters 8 and 9. Further, it authorizes Telesphere to file a new advice letter with a tariff conforming with the terms and conditions of the decision, with the tariffs not becoming effective until authorized by further Commission action. The advice letter could be filed no sooner than five days and no later than 180 days after the effective date of D.91-03-031.

Before Telesphere filed a new advice letter, on July 3, 1992 we mailed D.91-07-021 in the cease and desist matter. D.91-07-021 rejects a settlement proposed by Telesphere and the Commission Advisory and Compliance Division. It also gives Telesphere 30 days to accept an alternative described in the decision. The deadline for Telesphere to accept the alternative was extended to August 15, 1991 by letter from the executive director. Telesphere filed Advice Letter 11 with a new 900 tariff on August 15, 1991. On September 11, 1991, however, before Commission action on the tariff, Telesphere withdrew its advice letter. Resolution T-14732 (effective December 18, 1991) finds that Telesphere's authority to offer intrastate interLATA 900 services has expired. (Finding 5.)

Therefore, consistent with the finding in Resolution T-14732, since Telesphere withdrew its advice letter and has thus not complied with D.91-03-021 and D.91-07-021, Telesphere's has never had authorization to provide interLATA information access service using the 900 area code within California, and its authorization to file a tariff to implement such service has expired. No further issues remain in C.89-11-020, and C.89-11-020 should be closed.

Findings of Fact

1. Telesphere was authorized to file an advice letter for intrastate, interLATA 900 service which complied with the terms and conditions in D.91-03-021 no later than 180 days from the effective date of that decision.

2. Telesphere was given until August 2, 1991 to accept an alternative described in D.91-07-021.

3. By letter of the executive director, Telesphere was given until August 15, 1991 to accept the alternative described in D.91-07-021.

4. Telesphere accepted the alternative on August 15, 1991, by filing Advice Letter 11 with a proposed tariff for 900 service.

5. On September 11, 1991, before Commission action to make Advice Letter 11 effective, Telesphere withdrew Advice Letter 11.

6. Telesphere's authorization to provide 900 service has expired.

7. No issues remain in C.89-11-020.

Conclusions of Law

1. Telesphere has never had authorization to provide interLATA information access service using the 900 area code within California.

2. Telesphere's authorization to file a tariff to implement such service has expired and Telesphere should not provide this service.

3. C.89-11-020 should be closed.

FINAL ORDER

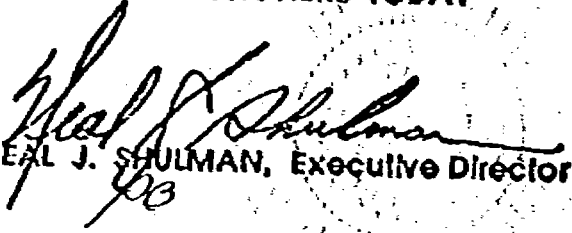
IT IS ORDERED that Telesphere Network, Inc., and/or any successor in interest, shall neither offer nor provide interLATA information access service using the 900 area code within California. Case 89-11-020 is closed.

This order becomes effective 30 days from today.

Dated October 21, 1992, at San Francisco, California.

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

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


NEAL J. SHULMAN, Executive Director