

Decision 83 12 005 DEC 7 1983**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of General Telephone)
Company of California to issue,)
sell, and deliver one or more series)
of its First Mortgage Bonds, deben-)
tures, promissory notes and/or other)
evidences of indebtedness in an)
aggregate principal amount outstand-)
ing at any one time not exceeding)
\$50,000,000 and to execute and)
deliver one or more Supplemental)
Indentures.)

Application 82-09-13
(Filed September 10, 1982)

Application of General Telephone)
Company of California to issue and)
sell not exceeding 3,750,000 shares)
of its Common Stock (\$20 par value);)
and to issue, sell, and deliver one)
or more series of its First Mortgage)
Bonds, debentures, promissory notes)
and/or other evidences of indebted-)
ness in an aggregate principal)
amount outstanding at any one time)
not exceeding \$125,000,000 and to)
execute and deliver one or more)
Supplemental Indentures.)

Application 61155
(Filed December 30, 1981)

Application of General Telephone)
Company of California to issue and)
sell not exceeding 4,500,000 shares)
of its Common Stock (\$20 par value);)
to issue and sell not exceeding)
\$50,000,000 par or stated value of)
Preferred Stock; and to issue and)
sell not exceeding \$250,000,000)
principal amount of First Mortgage)
Bonds in one or more series, and to)
execute and deliver a Supplemental)
Indenture(s).)

Application 60163
(Filed December 30, 1980)
Petition for Modification
(Filed February 25, 1981)

SUPPLEMENTAL ORDER

General Telephone Company of California (General) requests a refund of fees paid under Public Utilities (PU) Code Section 1901 and 1904(b) in the amount of \$56,225.

By Decision (D.) 82-10-047 dated October 20, 1982 in Application (A.) 82-09-13, the Commission authorized General to issue and sell up to \$50,000,000 aggregate principal amount of its First Mortgage Bonds, debentures, promissory notes, and/or evidences of indebtedness (collectively referred to as Debt Securities). General paid \$31,000, the fee set by PU Code Section 1901(b) but issued only \$5,000,000 of Debt Securities. General is requesting a refund of \$25,000 on the remaining \$45,000,000 of unissued Debt Securities because the period of authorization has expired.

By D.82-03-021 dated March 2, 1982 in A.61155, the Commission authorized General to issue and sell up to \$75,000,000 aggregate principal amount of its Common Stock, \$20 par value, and \$125,000,000 aggregate principal amount of its Debt Securities. General paid \$99,725, the fee set by PU Code Sections 1901 and 1901(b). General issued all of its Debt Securities but issued only \$50,000,000 of its common stock. General is requesting a refund of \$6,225 on the remaining \$50,000,000 of unissued common stock because the period of authorization has expired.

By D.92713 dated February 18, 1981 supplemental by D.92759 dated March 3, 1981 and D.92876 dated April 7, 1981 in A.60163, the Commission authorized General to issue and sell up to \$90,000,000 aggregate principal amount of its Common Stock, \$20 par value; \$50,000,000 aggregate principal amount of its Preferred Stock, \$100 par or stated value; and up to \$250,000,000 aggregate principal amount of its First Mortgage Bonds (Bonds). General was granted a credit of \$10,000,000 covering the retirement of its Series B Bonds. General issued the authorized common stock and its authorized Bonds but none of the \$50,000,000 of authorized preferred stock. General paid \$196,000, the fee set by PU Code Sections 1901 and 1901(B). General is requesting a refund of \$25,000 covering the remaining \$50,000,000 of unissued Preferred Stock, \$100 par or stated value, because the period of authorization has expired.

General informed the Commission by letter dated October 14, 1983 modified by letter dated November 3, 1983 of its unissued Bonds, common and preferred stock and requests a refund of \$56,225 paid under PU Code Sections 1904 and 1904.1 covering its authorized by unissued Debt Securities, common and preferred stock.

Section 1904 provides that:

"If the commission modified the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee shall be paid and if such fee is paid prior to the issuance of such certificate by the commission, such fee shall be returned."

There is a similar provision in Section 1904.1 regarding certificates authorizing stock issues, but there is no other provision in either section for refunds. Since the Commission has not modified the amount of the issue in any of the three applications, the fact that General has issued less than the full amount authorized is immaterial. There is no provision in the statutes setting the fees of such issues for a refund.

No good cause appearing,


IT IS ORDERED that the request of General Telephone Company of California for a refund of fees paid under Sections 1901 and 1904(b) in the amount of \$56,225 is hereby denied.

This order becomes effective 30 days from today.

Dated DEC 7 1983 at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director