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Decision No. 87046

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the promulgation of a General Order providing for the procedures and standards to be followed for the interconnection of customer-provided communications terminal equipment to the telecommunication facilities of intra-state telephone utilities.

Case No. 9625

And Related Matters.

Case No. 9177
Case No. 9265
Case No. 9271
Case No. 9323
Case No. 9360
Case No. 9546
Case No. 9600
Case No. 9610
Case No. 9637
Case No. 9652

ORDER REOPENING CASES

On May 11, 1976, we issued Decision No. 85791 which, among other things, modified General Order No. 138; ordered the Commission staff to submit suggested test criteria standards to the parties of record for comment; ordered the respondent telephone companies to submit to the Commission a detailed study of the economic effect of certification of PBX and key systems and extension telephones; ordered that revenue from utility-provided equipment held subject to refund pursuant to Decision No. 82412 not be refunded; ordered that rates for utility-provided equipment shall no longer be collected subject to refund; and dismissed certain cases without prejudice.

smc C. 9625, C. 9177 et al.

On June 2, 1976, a petition for rehearing of Decision No. 85791 was filed by Scott-Buttner Communications, Incorporated, et al., citing in an abbreviated form numerous allegations of error in the decision. On July 19, 1976, the Commission in Decision No. 86151 denied rehearing of Decision No. 85791. On August 18, 1976, Scott-Buttner Communications, Inc., et al., filed a petition for writ of review with the California Supreme Court. Answers to the petition were filed by the Commission, General Telephone Company, Continental Telephone Company, and Pacific Telephone and Telegraph Company.

Upon review of the filed petition for writ of review and briefs we have cause to reconsider the issues in Decision No. 85791. Therefore, pursuant to Section 1708 of the Public Utilities Code, we are reopening this proceeding for reconsideration.

Since this matter is now before the Supreme Court, we hereby direct our General Counsel to notify the Court of this decision and request that the Court hold the matter in abeyance pending our further consideration.

IT IS ORDERED that Cases Nos. 9625, 9177, 9265, 9271, 9323, 9360, 9546, 9600, 9610, 9637 and 9652 are reopened to reconsider the issues set out in Decision No. 85791.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd day of MARCH, 1977.

I dissent. I believe this is a bad precedent for us to be setting. Should the Supreme Court be asked to return to us for doctoring up each case after they have granted writ of review?

William Lyons - J
Commissioner

Robert B. ...
President

Leonard ...
Richard D. ...
Commissioners

Commissioner Verner G. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.