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Decision No. 87222

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA BUILDERS COUNCIL, INC.,
a corporation, KNUPPE DEVELOPMENT
CO., INC.,

Complainants,

vs.

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 9597
(Filed August 10, 1973)

Fred F. Cooper, Attorney at Law, for California
Builders Council and Knuppe Development Co., Inc.,
complainants.

Robert M. Ralls and Edmund A. Duggan, Attorneys
at Law, for The Pacific Telephone and Telegraph
Company, defendant.

Sheldon Rosenthal, Attorney at Law, special
appearance for the Commission staff personnel.

ORDER OF DISMISSAL

This complaint involves a dispute over the application of defendant's tariff provisions in connection with cost allocations for underground service connection facilities. The issues raised herein are substantially similar to those raised in the parallel proceeding of Kaiser Aetna v PT&T, Case No. 9506.

A duly noticed public hearing was held in this matter before Examiner Donald B. Jarvis in San Francisco on February 4, April 19, September 18, December 16, 1974; January 22, 23, April 3, June 16, July 21, September 18, and November 24, 1975. On November 24, 1975, the parties placed in the record a letter to the Commission dated November 21, 1975, dealing with this matter and Case No. 9506.

The letter set forth proposed tariff revisions, which if accepted by the Commission, would dispose of this matter. The proceeding was submitted on the merits, subject to certain ancillary matters hereinafter mentioned, on November 24, 1975.

On March 2, 1976 the Commission entered Decision No. 85507 in Case No. 9506. That decision authorized the tariff revisions agreed to by the parties. Case No. 9506 was dismissed with prejudice.

Decision No. 85507 is determinative of the merits of this complaint. However, this complaint could not be terminated sooner because of the ancillary matters. In the course of this proceeding a dispute arose over the award of witness fees. The issues in this dispute were matters of first impression involving construing General Order No. 66-C in the light of Government Code Section 68092.5 and other statutes. After memoranda were filed by the parties, the presiding examiner issued Examiner's Rulings on November 12, 1976, November 15, 1976, and February 2, 1977; which rulings we find to be correct. On March 15, 1977 complainants complied with the Examiner's Rulings and paid the requisite witness fees to the Commission. In the circumstances, the matter should be expeditiously concluded. ✓

Since the parties are in agreement and this order is consonant with the one in Decision No. 85507, this order should be effective on the date it is issued.

IT IS ORDERED that the complaint in Case No. 9597 is hereby dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 19th day of APRIL, 1977.

William Squares, Jr. President
Vernon L. Sturgeon
Richard D. Gervais Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.