

ORIGINAL

Decision No. 88927 MAY 31 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of The Pacific Telephone and)
Telegraph Company, a corporation,)
for telephone service rate)
increases to cover increased costs)
in providing telephone services.)

Application No. 55492

Investigation on the Commission's)
own motion into the rates, tolls,)
rules, charges, operations, costs,)
separations, inter-company)
settlements, contracts, service,)
and facilities of THE PACIFIC)
TELEPHONE AND TELEGRAPH COMPANY,)
a California corporation; and of)
all the telephone corporations)
listed in Appendix A, attached)
hereto.)

Case No. 10001

ORDER DISMISSING PETITION FOR REHEARING

Toward Utility Rate Normalization has filed a petition for rehearing of the Commission's Oral Review, made at the Conference of March 21, 1978, affirming the Administrative Law Judge's ruling. The Commission is of the opinion that the Commission's Oral Review is not an "order or decision" within the meaning of Section 1731 of the Public Utilities Code and that the petition for rehearing should be dismissed; therefore,

IT IS ORDERED that the petition for rehearing of the Commission's Oral Review at the Conference of March 21, 1978, affirming the Administrative Law Judge's Ruling is dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California,
this 31st day of MAY, 1978.

I concur;
See attached
Richard D. Howell

Robert Batimund

President

William Lyons Jr.
Vernon L. Sturgeon
Richard D. Howell

Commissioner

Commissioner Claire T. Dedrick, being
necessarily absent, did not participate
in the disposition of this proceeding.

A. 55492, C. 10001
D. 88927

RICHARD D. GRAVELLE, Commissioner, Concurring:

I concur. Action taken by the full Commission in consideration of an appeal of a ruling by the Presiding Officer or a hearing officer on behalf of the Presiding Commissioner should not be considered a decision on the merits or a final decision. I believe Section 2731 was intended to apply only to final Commission decisions on the merits. If this is not the case the Commission and ultimately the Supreme Court could be deluged with appeals on essentially interrogatory procedural issues.


RICHARD D. GRAVELLE, Commissioner

San Francisco, California
May 31, 1978