

ORIGINAL

Decision No. 91027 NOV 20 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CAUSE (Campaign Against Utility Service Exploitation),

Complainant,

vs.

PACIFIC TELEPHONE & TELEGRAPH CO.,

Defendant.

Case No. 10073  
(Filed March 22, 1976)

Investigation on the Commission's own motion into the adoption of a directory assistance charge plan by any or all of the telephone corporations in California, listed in Appendix A, attached hereto.

Case No. 10085  
(Filed April 20, 1976)

ORDER OF DISMISSAL

Campaign Against Utility Service Exploitation (CAUSE) in Case No. 10073 alleged that The Pacific Telephone and Telegraph Company (Pacific) engaged in unreasonable practices relating to furnishing telephone directories to customers in the Los Angeles area. Pacific denied the allegations stating that its practices do not result in anyone not being supplied a directory and that the practices were instituted because of a campaign by CAUSE to have Pacific's customers in the 213 (Los Angeles) area code telephone Pacific and ask for all the directories in that area.

On December 30, 1975 in Decision No. 85287, Pacific's Application No. 55214, we required Pacific to submit a directory assistance charge plan (DACP) for our consideration in Pacific's then

pending Application No. 55492. Determining that events were such that a DACP could be more properly explored in a separate investigation, on April 20, 1976 we opened Case No. 10085 stating:

- "1. An investigation is instituted to determine whether it is necessary or advisable for any or all telephone corporations to adopt, pursuant to any order we make, a directory assistance charge plan."

On June 2, 1976, by Decision No. 85882, we consolidated for hearing Cases Nos. 10073 and 10085 stating:

"From a reading of the complaint and the answer it is clear that the issues raised are associated with the proposed directory assistance charge plan (DACP) filed by Pacific in Application No. 55492, pursuant to our previous order, and now the subject of Case No. 10085, by virtue of our Order Instituting Investigation in Case No. 10085 dated April 20, 1976. (Complainant was served by mail with this Order Instituting Investigation since it is a party to Application No. 55492 and Case No. 10001, and the order instituting Case No. 10085 directed all parties to Application No. 55492 and Case No. 10001 to be served.)"

In 1976, before hearings could commence, the Legislature amended Section 776 of the Public Utilities Code prohibiting the Commission from permitting a telephone corporation to assess a separate charge for directory assistance. As amended, this section was to remain in effect until January 1, 1979 unless a later statute was enacted. In 1978 the Legislature again amended Section 776 as follows:

- "776. (a) The commission may permit a telephone corporation to assess a separate charge for provision of telephone numbers by operators, over and above what is included in the monthly service charge, when a residential customer places more than 20 requests for telephone numbers during a monthly billing cycle period.

A separate charge may also be assessed on business customers for all requests for telephone numbers in excess of 20 per monthly billing cycle period, as approved by the commission.

"(b) Whenever such separate charge is put into effect pursuant to subdivision (a), any use of a recorded announcement before the operator's response to a request for a telephone number shall be discontinued.

"(c) After January 1, 1983, the commission shall review the results of any charging plan put into effect by telephone corporations pursuant to subdivision (a) of this section and by April 1, 1983, shall provide a determination and order concerning telephone corporation directory assistance programs."

Pursuant to Section 776, as amended, on June 6, 1979 Pacific filed Application No. 58918 requesting authorization to institute a DACP. All interested parties in Cases Nos. 10073 and 10085 were served with a copy of the application and prehearing conference on Application No. 58918 was held October 24 and 25, 1979.

We have reviewed amended Section 776 which now allows the assessment of a directory charge and have concluded that the issues involved for a telephone utility can be more properly explored in a proceeding involving only the affected utility. Accordingly, we conclude that Case No. 10073 should be dismissed and Case No. 10085 discontinued.

#### Findings of Fact

1. Section 776 of the Public Utilities Code authorizes the Commission to permit a telephone corporation to assess a separate charge for provision of telephone numbers by operators over and above what is included in the monthly service charge.

2. Issues involving directory assistance charge plans can be more properly explored in individual telephone utility applications.

Conclusion of Law

Case No. 10073 should be dismissed without prejudice and Case No. 10085 should be discontinued.

IT IS ORDERED that:

1. Case No. 10073 is dismissed without prejudice.
2. Case No. 10085 is hereby discontinued.

The effective date of this order shall be thirty days after the date hereof.

Dated NOV 20 1979, at San Francisco, California.

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Bryson  
 President

James L. Stevenson

Alvin J. DeBenedictis  
Donald W. Gamm  
 Commissioners