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ORIGINAL

Decision No. 91329 FEB 13 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of PACIFIC TELEPHONE & TELEGRAPH) Application No. 59066
COMPANY, for modification of) (Filed August 13, 1979)
D.90549 and declaration of Karen)
Sue Newman in support thereof.)

ORDER MODIFYING DECISION NO. 90549

By D.90549, dated July 17, 1979 in C.10588, Finding of Fact 14, as set forth therein, recites that:

"Pacific will pay a commission (discount) only on yellow pages advertising placed by NYPSA 'selling companies' on orders for national yellow pages advertising. Pacific does not pay a commission (discount) on yellow pages advertising orders placed with Pacific for publication in Pacific's directories and not received from NYPSA selling companies."

By Petition for Modification of D.90549 in C.10588, filed August 13, 1979, Pacific Telephone and Telegraph Company (Pacific) alleges that said Finding of Fact 14, as set forth in D.90549, is not supported by the evidence presented at the hearing in the matter and is, in fact, directly contrary to the relevant evidence. In support of its petition, reference was made by Pacific to portions of the reporter's transcript of the hearing of this matter. The Petition for Modification was served upon all parties appearing in C.10588.

On August 20, 1979 complainant in C.10588 filed a pleading in opposition to Pacific's Petition for Modification contending that Finding of Fact 14 in D.90549 is fully supported by the record and is accurate. Complainant did not request a hearing in the matter and none is required since the record speaks for itself.

After reviewing said transcript, we are of the opinion that the wording in Finding of Fact 14 in D.90549 could be misinterpreted and can create erroneous inferences which are contrary to the evidence presented.

Decision No. 90549 should be modified as set forth in the order which follows:

IT IS ORDERED that:

1. Finding of Fact 14 of page 20 of Decision No. 90549 is changed to read as follows:

14. Pacific will pay a commission (discount) only on yellow pages advertising placed by authorized 'selling companies' on orders for national yellow pages advertising. Pacific does not pay a commission (discount) on yellow pages advertising orders placed with Pacific for publication only in Pacific's directories and classified as local advertising.

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2. In all other respects Decision No. 90549 shall remain in full force and effect.

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

Dated FEB 13 1980 at San Francisco, California.

John E. Byron
President
William L. Stevenson
Richard W. Howell
Clarence T. DeFries

Commissioners

Commissioner Leonard M. Grimes, Jr.
being necessarily absent, did not
participate.