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ORIGINAL

Decision 93688 NOV 3 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumers Lobby Against Monopolies)
David L. Wilner, pro per,)
Complainant,)

vs.)

Case 10066

THE PACIFIC TELEPHONE AND TELEGRAPH)
COMPANY, a California corporation,)
Defendant.)

ORDER APPOINTING ATTORNEY TO CREATE
ADVOCATES TRUST FUND

In Ordering Paragraph 3 of Decision (D.) 93251, Pacific Telephone and Telegraph (Pacific), defendant in the above-captioned proceedings, was ordered to establish on or before October 1, 1981, the "Advocates Trust Fund of the California Public Utilities Commission," as that fund is described in that decision. Recently, in D.93597, we extended the time for compliance with that ordering paragraph. We noted in D.93597 that delay was necessary because our staff was investigating different possibilities for establishing the trust fund in order to avoid substantial fees both in its creation and administration.

Staff has now received from Arthur W. Simon, a private attorney experienced in the establishment and administration of charitable trust funds, an offer to perform the steps necessary for creation of the Advocates Trust Fund and for securing a determination from the Internal Revenue Service of the fund's tax-exempt status. The attorney offers to research and recommend to the Commission an appropriate trustee for the prudent management of the principal and income of the trust. The recommended trustee

shall be either insured or bondable at no expense to the trust. It is anticipated that the trustee will be able to perform management services at minimum cost, hopefully below the cost of the major financial institutions. The attorney requests compensation for his services in the amount of \$800, with payment on one-half of the quoted fee due at the commencement of services and the balance due within 60 days after submission of the proofs of exemption and executed copies of the Declaration of Trust.

This proposal has been referred to Pacific and the Commission's Legal Division for review. Both Pacific and the Legal Division agree that the offer of professional services represents an unusual opportunity for the Commission to have the Advocates Trust Fund established at minimal cost. (By contrast, D.93251 authorized Pacific to expend up to \$2,000 to establish the Advocates Trust Fund; legal expenses involved in establishment of the Deaf Equipment Acquisition Fund Trust in OII 70, concededly a far more complex matter, will be more than \$10,000.) Our Legal Division sees no reason to reject this offer to establish the Advocates Trust Fund. We concur.

In these circumstances, IT IS ORDERED that:

The Executive Director is authorized to accept Arthur W. Simon's offer of professional services for creation of the Advocates

Trust Fund and to order Pacific to disburse \$400 from the \$164,900 fund identified in Ordering Paragraph 4 of D.93251 to Mr. Simon.

This order is effective today.

Dated NOV 3 1981 at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

I certify that this decision was approved by the above Commissioners today.



The signature of John E. Bryson is written in cursive over a circular stamp. The stamp contains the text "JOHN E. BRYSON" and "1981".