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Decision 96-10-033 October 9, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking)
on the Commission's Own Motion)
into Competition for Local)
Exchange Service.)

ORIGINAL
R.95-04-043
(Filed April 26, 1995)

Order Instituting Investigation)
on the Commission's Own Motion)
into Competition for Local)
Exchange Service.)

I.95-04-044
(Filed April 26, 1995)

O P I N I O N

By this decision, we grant the petitions for GTE California Incorporated (GTEC) for modification of Decision (D.) 95-12-057 and D.96-02-072 pursuant to Rule 47 of the Commission's Rules of Practice and Procedure.

D.95-12-057 authorized facilities-based local exchange competition within the service territories of Pacific Bell (Pacific) and GTEC, and authorized various competitive local carriers (CLCs) to provide local exchange service. GTEC was among those authorized to compete within portions of Pacific's service territory. D.96-02-072 authorized various CLCs to provide local exchange service as resellers within Pacific's and GTEC's service territories. Again, GTEC was among those authorized to compete within portions of Pacific's service territory. By its petitions to modify these two decisions, GTEC seeks to expand its authorized service territory to include all of Pacific's exchange areas within the authority granted to GTEC as a CLC.

Modifications to D.95-12-057

In Ordering Paragraph 1 of D.95-12-057 (issued December 22, 1995) in Order Instituting Investigation (I.) 95-04-044/Petition 50, the Commission granted GTEC a certificate of

public convenience and necessity (CPCN) to operate as facilities-based CLC "...within the service territories of Pacific Bell ..., as described in... [GTEC's] petition."

At the time D.95-12-057 was issued, GTEC's Petition 50 specified a portion of Pacific's exchange areas in the service area map attached to Petition 50 as Exhibit B and listed on Sheets 2, 2.1, and 2.2 of Schedule K-2 in the tariff pages attached to Petition 50 as Exhibit E. By its petition for modification, GTEC requests that the Commission modify D.95-12-057 to include all of Pacific's exchange areas within the authority granted in Ordering Paragraph 1. In support of its petition for modification, GTEC modified its showing in Petition 50 to reference all of Pacific's exchange areas in the service area map and under the heading "Maps" contained in Schedule K-2. The revised map and the proposed changes to GTEC's tariff were attached as Exhibit A to its petition for modification.

Modifications to D.96-02-072

In Ordering Paragraph 1 of D.96-02-072 (issued February 21, 1996) in I.95-04-044/Petition 50, the Commission granted GTEC a CPCN to operate as a CLC "...with authority to resell local exchange service within the service territories of Pacific Bell..., as described in... [GTEC's] petition."

At the time D.96-02-072 was issued, GTEC's Petition 50 specified a portion of Pacific's exchange areas in the service area map attached to Petition 50 as Exhibit B and listed on Sheets 2 and 3 of Schedule K-3 in the tariff pages attached to Petition 50 as Exhibit E. By its petition for modification, GTEC requests that the Commission modify D.96-02-072 to include all of Pacific's exchange areas within the authority granted in Ordering Paragraph 1. In support of this petition for modification, GTEC modified its showing in Petition 50 to reference all of the Pacific's exchange areas in the service area map and under the heading "Maps" contained in Schedule K-3. The revised map and the

proposed changes to GTEC's tariff were attached as Exhibit A to GTEC's petition to modify D.96-02-072

GTEC is seeking these modifications arguing that as it has moved forward with its plans to implement local exchange service within Pacific's service areas, GTEC has come to believe that the original listing of Pacific's exchange areas will constrain the scope of competitive services that GTEC could offer. Except for the change proposed by this petition for modification, GTEC asserts that the information in Petition 50 remains accurate in all material respects, including specifically the information provided with respect to Rule 17.1.

Discussion

GTEC served its petitions for modification on each party listed on the Commission's service list for this proceeding and each competitive local exchange carrier certificated pursuant to D.95-12-057 or D.96-02-072. No party filed a response to GTEC's two petitions to modify. We find no reason to deny GTEC's request. Competition could be enhanced if GTEC is in a position to exercise its local exchange facilities-based and resale authority throughout all of Pacific's exchange areas. Accordingly, the petitions to modify are granted.

Findings of Fact

1. D.95-12-057 authorized GTEC to offer facilities-based CLC service within portions of the service territory of Pacific.
2. D.96-02-072 authorized GTEC to offer resale CLC service within portions of the service territory of Pacific.
3. On July 26, 1996, GTEC filed petitions to modify D.95-12-057 and D.96-02-072 to expand its authorized CLC service territory to include all of Pacific's exchange areas.
4. No party responded to the petitions for modification filed by GTEC on July 26, 1996.

5. Competition in the local exchange market could be enhanced if GTEC is in a position to exercise its facilities-based and resale local exchange authority throughout all of Pacific's exchange areas.

Conclusions of Law

1. The petitions to modify D.95-12-057 and D.96-02-072 to revise GTEC's authorized CLC service territory to include all of Pacific's exchange areas should be granted.

2. D.95-12-057 and D.96-02-072 should be modified as set forth in the order below.

O R D E R

IT IS ORDERED that:

1. Decision 95-12-057 is modified to include all of Pacific Bell's (Pacific) exchange areas within the authority granted to GTE California Incorporated (GTEC) in Ordering Paragraph 1 and to authorize GTEC to include all of Pacific's exchange areas in its initial tariff filed in accordance with Ordering Paragraph 3 and Ordering Paragraph 6.

2. Decision 96-02-072 is modified to include all of Pacific's exchange areas within the authority granted to GTEC in Ordering Paragraph 1 and to authorize GTEC to include all of Pacific's exchange areas in its initial tariff filed in accordance with Ordering Paragraph 3 and Ordering Paragraph 7.

This order is effective today.

Dated October 9, 1996, at San Francisco, California.

P. GREGORY CONLON
President
DANIEL Wm. FESSLER
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners