

ORIGINAL

Decision 97-08-068

August 1, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Constantino Z. Frangos,)	
	Complaint)
)	
v.)	C.96-02-045
)	
GTE California, Inc.,)	
	Defendant)
)	

C.96-02-045

ORDER DENYING REHEARING

Constantino Frangos has filed an application for rehearing of Decision 96-10-061, which dismissed his complaint that GTE California Inc's rate for off-premises extension service is excessive and should be adjusted. The complaint was dismissed because "no evidence was presented that the authorized tariff was in error or was being misapplied." (Decision 96-10-061, p. 1) The crux of Frangos' application for rehearing is that there was not adequate notice of a substantial increase for a dedicated private off-line extension service from \$15.00 to \$60.00. (Tr. pp. 20-21 Application for Rehearing p. 1-2).

The applicant admits to receiving notices included in the monthly billings (application rehearing, p. 2), but complains that he had no idea that the increase was going to be so high.

Frangos and all other customers of GTEC are entitled to notice of proposed rate increases, but the precise way a proposed increase may affect rates for a particular service cannot always be predicted with accuracy. It is not always possible to predict at the time

of the giving of a notice, the potential or ultimate rate for any given service because the Commission may alter, amend, grant, or deny the request.

The remedy for customers such as Frangos is provided by Section 454 of the Public Utilities Code. The section requires that a public utility seeking a rate change shall furnish to its customers a notice of its application to the Commission for approval of the new rate. The statute then provides as a customer's right that:

(c) The commission shall permit individual public utility customers and subscribers affected by a proposed rate change, and organizations formed to represent their interests, to testify at any hearing on the proposed rate change, except that the presiding officer need not allow repetitive or irrelevant testimony and may conduct the hearing in an efficient manner.
Section 454(c). Public Utilities Code.

The statute defines that the manner in which affected customers may protect their interests. They have an absolute right to testify and participate in at a hearing prior to the increase, where they may examine or seek to have explained to them specific rate proposals, and either agree with or oppose them.

The Commission has reviewed this Application for Rehearing and each issue presented and finds that good cause for rehearing has not be shown.

THEREFORE, IT IS ORDERED that rehearing of D.96-10-061 is denied.

This order is effective today.

Dated August 1, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners