

Decision 97-08-070

August 1, 1997

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
 motion into the operations, practices,)
 and conduct of Communications)
 TeleSystems International and Edward S)
 Soren, President of Communications)
 TeleSystems International, to determine)
 whether they have complied with the)
 laws, regulations and applicable tariff)
 provisions governing the manner in)
 which California consumers are switched)
 from one long distance carrier to another,)
 and other requirements for long distance)
 carriers.)

1.96-02-043

ORDER GRANTING STAY

In this enforcement proceeding, we made our Decision ("D.") 97-05-089, ___ Cal.P.U.C.2d ___ (May 21, 1997), effective thirty days from the date of issuance of the decision in order to allow Communications TeleSystems International ("CTS"), whose certificate of public convenience and necessity we had suspended and against whom we had imposed penalties, to invoke the automatic stay provision of Public Utilities Code section 1733(b) by timely filing an application for rehearing. CTS filed an application for rehearing on June 10, 1997, thereby automatically staying our decision until 60 days after the date of its filing the application for rehearing or until the date upon which we render our decision on rehearing, whichever occurs first.

The next Commission agenda at which we may consider CTS' application for rehearing is presently set for September 3, 1997, but absent Commission action, the automatic stay will expire on August 9, 1997. We have therefore placed the matter of extending the existing automatic stay, sua sponte, on our August 1, 1997, agenda to ensure that we consider the option of maintaining the status quo ante while we adjudicate the issues raised by CTS in its application for rehearing.

Thereafter, CTS filed a motion improperly addressed to the Administrative Law Judge seeking a stay of D.97-05-089. The motion sought a stay of our decision on three asserted grounds: (1) the sanctions we imposed on CTS are draconian, (2) CTS has raised serious questions about the legality of D.97-05-089, and (3) there will be no harm to consumers if the stay is issued. We need not reach or accept any of these assertions in order to conclude that a stay is warranted under the circumstances. In our judgment, a stay is appropriate to maintain the status quo ante, at least until we have an opportunity to fully and fairly resolve the questions presented for our review in the application for rehearing.

Good cause appearing, we now stay, sua sponte, the effective date of D.97-05-089.

IT IS ORDERED that:

1. The effective date of D.97-05-089 is hereby stayed pending further order of this Commission.
2. The motion for a stay of enforcement of D.97-05-089 filed by CTS, which is effectively rendered moot by the foregoing ordering paragraph, 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