

ALJ/GEW/wav

Decision 97-09-107 September 24, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Alternative Regulatory Frameworks
for Local Exchange Carriers.

And Related Matters.
(IntraLATA Presubscription Phase)

Mailed

SEP 24 1997

ORIGINAL

Investigation 87-11-033
(Filed November 25, 1987)

Application 85-01-034
Application 87-01-002
Investigation 85-03-078
Investigation 87-02-025
Case 87-07-024

ORDER MODIFYING DECISION 97-06-104

Summary

This order modifies Decision (D.) 97-06-104 to require certain telephone carriers to serve the Office of Ratepayer Advocates (ORA) with a copy of their advice letter filings implementing subscriber choice for local toll calls.

Background

In D.97-06-104, issued on June 25, 1997, the Commission adopted minimal rules governing the provision of intraLATA equal access by competitive local exchange carriers (CLCs).¹ The rules require each CLC to file its implementation plan for offering intraLATA equal access via advice letter, subject to the approval of the Commission's Telecommunications Division.

¹ Competition in the provision of intraLATA service is referred to as "intraLATA presubscription," "intraLATA equal access," or "dialing parity." It refers to the ability of a telephone subscriber to designate (or presubscribe to) a communications carrier and thereafter dial toll calls within a Local Access and Transport Area (LATA) without having to dial additional numbers.

The decision rejected a request by the ORA that copies of the advice letter be sent at time of filing to ORA, commenting that "we are confident that arrangements can be made internally for sharing this information." (D.97-06-104, at 9.)

ORA on July 16, 1997, filed a petition for modification asking the Commission to reconsider its denial of ORA's request. ORA states that a requirement that a CLC serve a copy of its advice letter on ORA at the time of filing imposes no real burden on a CLC. By contrast, any internal arrangement by which the Telecommunications Division would make a copy of the advice letter and send it to ORA is likely to mean delay and is subject to breakdown if the staff person assigned to make the copy is absent for any reason or is burdened with other duties.

ORA states that, prior to the Commission's recent staff reorganization, ORA's predecessor, the Division of Ratepayer Advocates, was routinely served independently with copies of advice letters. ORA states:

"Only since the Commission reorganized itself internally last fall has the issue of advice letter service on ORA become an issue. Indeed, some utilities have balked at providing copies of advice letters directly to ORA...ORA does not wish the Commission to inadvertently encourage such behavior by no longer requiring separate service on ORA, and relying instead on internal sharing of information....(T)his strategy will serve only to hamstring ORA, which in turn, will be unable to provide timely analyses to the Commission of issues raised in advice letters." (Petition to Modify, at 3.)

No party has filed in opposition to ORA's petition to modify, and the time for commenting on the petition has passed. ORA states that it is authorized to represent that the Telecommunications Division concurs both with ORA's assessment of the burden on staff resources and in ORA's request that CLCs serve a copy of their advice letters on ORA.

Discussion

ORA's petition is persuasive. As the Commission moves away from formal proceedings and toward less formal processes, the use of advice letters will increase. It is in the public interest for ORA to continue to receive and review copies of all advice

letters so that it can promptly alert the Commission to issues that affect ratepayer interests. That public policy advantage outweighs the slight burden imposed on CLCs to serve an extra copy of their advice letters at the time that the advice letters are filed with the Commission.

Conclusion

The petition for modification of D.97-06-104 is granted as set forth in the ordering paragraphs below.

Findings of Fact

1. The Commission in D.97-06-104 adopted rules governing intraLATA equal access for CLCs.
2. D.97-06-104 denied a request by ORA that copies of advice letter filings by CLCs be served on ORA at the same time that the advice letters are filed with the Commission.
3. ORA on July 16, 1997, filed a petition to modify D.97-06-104, asking the Commission to reconsider ORA's request that it be independently served with copies of advice letters.
4. No party has opposed ORA's petition to modify.
5. The Telecommunications Division supports ORA's petition to modify.

Conclusions of Law

1. The petition to modify should be granted.
2. Because advice letter filings by CLCs have already commenced, this order should be made effective immediately.

IT IS ORDERED that:

1. The petition by the Office of Ratepayer Advocates (ORA) to modify Decision (D.) 97-06-104 is granted.
2. Paragraph 2 of Appendix A of D.97-06-104 is amended to read as follows:

"2. Each CLC shall file its implementation plan for offering intraLATA presubscription in California with the Commission via advice letter, with a copy to the Office of Ratepayer Advocates. The advice letter filing shall be subject to approval by the Commission's Telecommunications Division.

An advice letter filed pursuant to this provision on or before August 8, 1997, shall be filed on not less than 20 days' notice; after August 8, 1997, it shall be filed on not less than 40 days' notice."

3. On page 9 of D.97-06-104, the sentence that begins "We also decline a proposal that advice letters be sent to ORA..." is deleted, and replaced by the following: "We grant the proposal that advice letters be sent to ORA as well as the Telecommunications Division."

4. This proceeding on the petition to modify D.97-06-104 is closed.

This order is effective today.

Dated September 24, 1997, at San Francisco, California.

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

President P. Gregory Conlon,
being necessarily absent,
did not participate.