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Decision 97-10-045 October 22, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Cox
Communications PCS, L.P. (U-5790-C) for Exemption
from the Tariffing Requirements for its Non-
Dominant Interexchange Carrier Services.

Application 97-07-025
(Filed July 18, 1997)

ORIGINAL

O P I N I O N

Cox Communications PCS, L. P. (Cox PCS) seeks an exemption from the requirement to file tariffs pursuant to §§ 489 and 495 of the Public Utilities Code with respect to the services it provides as an intrastate nondominant interexchange carrier.

Cox PCS was granted a Certificate of Public Convenience and Necessity (CPCN) to provide intrastate interLATA and intraLATA services on a resale basis by Decision (D.) 97-06-027. Cox also provides personal communications service (PCS), a type of commercial mobile radio service. It filed a wireless identification registration with the Commission's Telecommunications Division in connection with its PCS service on October 14, 1996. Cox PCS is affiliated with a holder of competitive local carrier (CLC) authority, Cox California Telecom, Inc. (U-5684-C). Cox PCS and Cox California Telecom, Inc. are affiliated through a common, indirect parent corporation, Cox Communications, Inc.

By D.96-09-098, D.96-12-033, and D.97-06-107 the Commission took steps to implement its authority to exempt specified classes of telecommunications carriers from §§ 454, 489, 491, and 495 of the Public Utilities Code and the requirement to file tariffs. Corresponding to any request for an exemption from the tariffing requirements is an obligation to be subject to the Consumer Protection Rules adopted in D. 96-09-098. Cox PCS expressly agrees to be bound by those rules.

We will grant the request for relief of tariffing requirements which Cox PCS requests.

Findings of Fact

1. Cox was granted a CPCN to provide intrastate interLATA and intraLATA services on a resale basis by D.97-06-027.
2. In D.96-09-098, D.96-12-033, and D.97-06-107 the Commission established interim procedures for nondominant interexchange carriers to seek relief from the requirements to file and maintain tariffs with the Commission and adopted Consumer Protection Rules applicable to those who are granted such relief.
3. Cox PCS has explicitly agreed to be bound by the adopted Consumer Protection Rules.
4. This application appeared on the Commission's Daily Calendar on July 25, 1997.
5. No timely protests have been received.
6. Cox PCS is affiliated with a CLC by common parent ownership.
7. The nondominant interexchange service Cox PCS seeks to detariff will only be available to PCS customers of Cox PCS.

Conclusion of Law

Cox PCS should be relieved from the requirement to file and maintain tariffs as a non-dominant interexchange carrier.

O R D E R

IT IS ORDERED that:

1. Cox Communications PCS, L.P. is granted an exemption from the requirements to file and maintain tariffs in conjunction with the provision of inter-Local Access and Transport Area (LATA) and intra-LATA services authorized by Decision (D.) 97-06-027.
2. The relief granted in the preceding ordering paragraph is contingent on Cox Communications PCS, L.P. fully complying with the Consumer Protection Rules adopted in D.96-09-098 and such other rules or requirements which the Commission may adopt in Rulemaking 94-02-003/Investigation 94-02-004 and as they may change in the future.

A.97-07-025 ALJ/PSW/bwg

3. Application 97-07-025 is closed.

This order is effective today.

Dated October 22, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners