

Decision 97-11-025 November 5, 1997

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.

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)

ORIGINAL

ORDER MODIFYING DECISION 97-04-046

In Decision (D.) 97-04-046, we adopted procedures to recover the Commission's costs of ensuring compliance with the California Environmental Quality Act (CEQA) from the facilities-based competitive local carriers (CLCs) in connection with their certification and entry into the local exchange market. In Ordering Paragraph (OP) 4 of the decision, we directed each CLC that files a petition for facilities-based local exchange authority, and on behalf of which the Commission processes a mitigated negative declaration (MND) or environmental impact report (EIR) pursuant to CEQA, to make a deposit with the Commission of \$2,000 to be paid within 20 days of petition filing.

At the time we issued D.97-04-046, the CLC certification process only applied to the service territories of Pacific Bell (Pacific) and GTE California Incorporated (GTEC). The required \$2,000 reflected the estimated costs of processing the MND for such CLCs, including publication costs in newspapers throughout California to provide public notice of the proposed projects.

Since the issuance of D.97-04-046, we have authorized further procedures in D.97-09-115 for the filing of petitions for CLC certification to offer local exchange service within the territories of Roseville Telephone Company (RTC) and Citizens Telephone Company (CTC). Given the fact that the service territories of RTC and CTC

are significantly smaller than those of Pacific and GTEC, the publication of notices of the MND need only appear in newspapers covering the RTC and/or CTC territories. Consequently, it is reasonable to reduce the amount of the required CLC deposit for the MND processing to reflect the reduced costs.

Accordingly, we shall amend OP 4 of D.97-04-046 to provide for a deposit of less than \$2,000 for those CLCs seeking facilities-based authority only within the service territories of RTC and/or CTC. The CLCs currently in the process of preparing filings for such facilities-based local exchange authority shall not be required to remit the \$2,000 as prescribed in OP 4, but shall be advised by subsequent decision as to the amount of deposit to remit, and the deadline for the remittance.

Findings of Fact

1. D.97-04-046 prescribed how the Commission's costs of ensuring compliance with CEQA are to be recovered from the facilities-based CLCs in connection with their certification and entry into the local exchange market.

2. OP 4 of D.97-04-046 directed each CLC that files a petition for facilities-based local exchange authority, and on behalf of which the Commission processes a MND or EIR pursuant to CEQA, to deposit with the Commission \$2,000 within 20 days of petition filing.

3. The \$2,000 deposit reflected the estimated costs of processing the MND for CLCs, including publication costs in newspapers throughout California to provide public notice of the proposed projects.

4. The newspaper publication costs for MND processing for those CLCs that seek certification authority only within the service territories of RTC and/or CTC is significantly less than for those CLCs seeking authority to serve in the Pacific and/or GTEC service territories.

Conclusions of Law

1. It is reasonable to reduce the amount of the required CLC deposit for the MND processing to reflect the reduced costs of newspaper publication notices.

2. OP 4 of D.97-04-046 should be amended to provide for a deposit less than \$2,000 for those CLCs seeking facilities-based authority only within the service territories of RTC and/or CTC.

O R D E R

IT IS ORDERED that Ordering Paragraph 4 of Decision 97-04-046 is amended to add the additional text as highlighted in boldface:

"Each Competitive Local Carrier (CLC) who files a petition for facilities-based Certificate of Public Convenience and Necessity (CPCN) authority within the service territories of Pacific Bell and/or GTB California Incorporated on whose behalf the Commission processes a Mitigated Negative Declaration or Environmental Impact Report prospectively commencing in calendar year 1997 shall make a deposit with the Commission of \$2,000 to be paid in full within 20 days of its petition filing. Those CLCs which seek facilities-based local exchange authority solely within the service territories of Roseville Telephone Company and/or Citizens Telephone Company shall not be required to remit the full \$2,000 deposit. The amount of the deposit to be remitted by the latter group of CLCs and the deadline for making the remittance shall be prescribed by subsequent order of the Commission."

This order is effective today.

Dated November 5, 1997, at San Francisco, California.

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