

Decision 97-11-034 November 5, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of AT&T Communications of California, Inc. for Arbitration Pursuant to Section 252 of the Federal Telecommunications Act of 1996 to Establish an Interconnection Agreement with Pacific Bell.

Application 96-08-040
(Filed August 20, 1996;
Petition for Modification filed
August 22, 1997)

O P I N I O N

ORIGINAL

Having considered all filed comments, including those of AT&T Communications of California, Inc. (AT&T), we are not persuaded to modify Decision (D.) 96-12-034. Therefore, pursuant to Rule 47(h) of the Commission's Rules of Practice and Procedure, AT&T's petition for modification is denied. The proceeding is closed.

Findings of Fact

1. On August 22, 1997, AT&T filed an application for rehearing of D.96-12-034.
2. On September 24, 1997 by D.97-09-119 (corrected by D.97-09-128 on September 29, 1997) the Commission dismissed the application for rehearing; converted the application to a petition for modification; served the decision on all carriers who had entered into interconnection agreements filed in accordance with Sections 251 and 252 of the Act, and all parties to the Open Access and Network Architecture Development and Local Competition dockets (Rulemaking (R.) 93-04-003, Investigation (I.) 93-04-002, R.95-04-043, I.95-04-044); and invited all parties to file comments on the issue of access charges imposed in addition to UNE charges, not only for the interconnection agreement between AT&T and Pacific, but for all other interconnection agreements as well.
3. Comments were filed in opposition to the petition by Pacific Bell and GTE California Incorporated.

4. Comments were filed in support of the petition, and generally in support of changing other agreements, by AT&T, Sprint Communications Company L.P., WorldCom Technologies, Inc., Time Warner AxS of California L.P., MCI Telecommunications Corp. and MCImetro Access Transmission Services, Inc.

5. No factual disputes require a hearing, and a hearing is not necessary.

6. We are not persuaded to modify the decision.

Conclusions of Law

1. AT&T's petition for modification should be denied.

2. There exists a need to take immediate action on this petition, pursuant to Government Code Section 11125.3(b), based on the schedule in pending federal litigation, and the reliance of the parties and the Court on the representations of Commission counsel that our decision would be issued on November 5, 1997. This need came to the attention of the Commissioners after the agenda was mailed. Therefore, this order should be effective today.

O R D E R

IT IS ORDERED that the August 22, 1997 petition for modification filed by AT&T Communications of California, Inc. is denied. This proceeding is closed.

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