

MAIL DATE
4/27/98

L/dd

Decision 98-04-071

April 23, 1998

ORIGINAL

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.

1.95-04-044
(Filed April 26, 1995)

ORDER DENYING REHEARING OF DECISION 98-01-022

An application for rehearing of Decision (D.) 98-01-022 was filed by INFONXX, Inc. (INFONXX). D. 98-01-022 directs Pacific Bell (Pacific) and GTE California Incorporated (GTEC) to establish memorandum accounts to track billings for directory assistance (DA) services and the provision of subscriber listings for directory publishing by third-party competitors. In the underlying proceeding, INFONXX sought a Commission order requiring Pacific to furnish DA services to it at the same rates as are afforded to MCI Telecommunications (MCI) and AT&T Telecommunications (AT&T) pursuant to interconnection agreements with Pacific, rather than at the rates set forth in Pacific's DALIS tariff schedule. In D.98-01-022 we declined to revise the DALIS tariff rates at this time to make them equal to the contract rates negotiated between Pacific, MCI and AT&T.

INFONXX seeks reconsideration of our ruling in its Application for Rehearing. A Response was filed by Pacific.

We have reviewed the Application for Rehearing and the Response. We find that no grounds for rehearing have been demonstrated. Applicant has failed to show that requiring competitive DA service providers to pay Pacific's tariffed rates is discriminatory. INFONXX is not a telecommunications provider, nor is it a party to an interconnection agreement. The contract rates for DA access that MCI and AT&T are charged are part of an integral package of terms and conditions. We do not believe that INFONXX is being discriminatorily treated because it is not allowed to "pick-and-choose" among interconnection agreement terms, selecting those that are most favorable without being bound to the terms of an agreement as a whole. We find that the provision of a subsequent true-up of rates is an appropriate interim remedy for INFONXX and others who are similarly situated until we establish permanent rates in the Open Access and Network Architecture Development (OANAD) proceeding.

No further discussion of Applicant's allegations of error is required. We have reviewed each and every allegation of error raised by Applicant and conclude that sufficient grounds for rehearing of D.98-01-022 have not been shown.

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Therefore, **IT IS ORDERED:**

1. That the application for rehearing of D.98-01-022 filed by
INFONXX is denied.

This order is effective today.

Dated April 23, 1998, at Sacramento, California.

RICHARD A. BILAS

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners