

ALJ/PSW/bwg

Mailed 6/4/98

Decision 98-06-009 June 4, 1998

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Pacific Bell (U 1001 C), for ex parte approval of an expedited CPCN process and waiver of certain process and waiver of certain rules governing technology tests and market trials.

Application 94-02-019
(Filed February 8, 1994)

O P I N I O N

This matter was initiated more than four years ago. This was after the initiation of the Open Access and Network Architecture Development proceeding, Rulemaking (R.) 93-04-003/Investigation (I.) 93-04-002, but well before the initiation of our Local Competition proceedings, R.95-04-043/ I.95-04-044. These and other components of our multiple proceedings to carry out the policy of opening all telecommunications markets to competition have made significant efforts since this application was filed.

The only activity to have occurred in this docket was the filing of the application and a significant number of protests.

It appeared that this matter had become effectively moot, with its various requests either superseded by other proceedings or events or encompassed in other dockets.

On March 30, 1998, an Administrative Law Judge's ruling was sent to all of the parties requesting comment on whether there is any reason to continue this application as an open docket. The parties were given until April 15 to respond.

The only response received was from the Commission's Office of Ratepayer Advocates (ORA). ORA concurred that all of the matters proposed in this application have either been addressed by the Commission's Local

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Competition proceedings, are in the process of being addressed in the Open Access and Network Architecture Development proceeding, or been superseded by the Telecommunications Act of 1996. ORA recommends that the application is moot and should be dismissed by the Commission.

Finding of Fact

All of the matters proposed by this application have either been superseded by other proceedings or events or encompassed in other dockets.

Conclusion of Law

This application is moot and should be dismissed.

O R D E R

IT IS ORDERED that:

1. Application 94-02-019 is dismissed.
2. Application 94-02-019 is closed.

This order is effective today.

Dated June 4, 1998, at San Francisco, California.

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