

ALJ/RLR/bwg *

Mailed 8/6/98

Decision 98-08-011 August 6, 1998

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Citizens Telecommunications Company of California Inc. (U-1024-C) to review its New Regulatory Framework for the Regulation of telecommunications services provided in the State of California.

Application 97-10-021
(Filed October 1, 1997)

INTERIM OPINION

Summary

By this decision, we grant the motion of Citizens Telecommunications Company of California, Inc. (U-1024-C) (Citizens) to defer portions of the Commission's review of Citizens' New Regulatory Framework (NRF). Because of limits on time in which this proceeding must be completed pursuant to Senate Bill (SB) 960, it will not be possible to keep this proceeding open for any extended period of time. Therefore, we will dismiss all issues designated in Attachment A to the application with the exception of Issue 2, "Review of Citizens' service quality experience both in general and in reference to the Service Quality Assurance Mechanism (SQAM) and Improvements", and direct Citizens to file a new application for NRF review of all issues other than No. 2 no later than 150 days after the Commission issues its order in Rulemaking (R.) 98-03-040. We will, however, retain Issue No. 2, in this proceeding and, since no hearing on the merits is required, will consider the same on documentation previously filed.

Discussion

On October 1, 1997, in compliance with Ordering Paragraph 6 of Decision (D.) 95-11-024, Citizens filed its application for initial NRF review. Thereafter, on or about March 26, 1998, the Commission adopted an Order Instituting Rulemaking (OIR) into the third triennial review of the NRF for Pacific Bell (Pacific) and GTE California Incorporated (GTEC). In that OIR, the Commission stated:

**"We will not bring [Citizen's(sic) and Roseville's] NRF Review into this proceeding since the issues for Pacific and GTEC, while related to Citizens and Roseville, are sufficiently different due to the relative maturity of Pacific's and GTEC's NRF programs. We expect that Citizens and Roseville may well benefit in their future NRF reviews from the matters considered in this proceeding."
(R.98-03-040, page 2.)**

The Commission expects to adopt an order on September 17, 1998 in its review of the Pacific and GTEC NRF (Scoping Memo and Ruling of the Assigned Commissioner dated April 13, 1998 in A.98-02-003 and R.98-03-040, p. 13) and that order will, in some respects, have an effect upon our consideration of the issues in Citizens NRF review. In order that we may give Citizens the benefit of our efforts in the Pacific and GTEC NRF review, we think it appropriate to grant Citizens' request to delay consideration of all issues enumerated in Attachment A to Citizens' NRF review filing (with the exception of Issue No. 2) until completion of the Pacific and GTEC NRF review. We can, however, proceed with consideration and disposition of Issue No. 2, as that issue is ripe for review.

Findings of Fact

1. On October 1, 1997, Citizens filed its application for its initial NRF review.
2. On March 26, 1998, the Commission initiated R.98-03-040 regarding the third triennial NRF review for Pacific and GTEC.

3. The Commission expects to adopt an order on September 17, 1998 in R.98-03-040 and that order will, in all probability, have an effect upon the Commission's consideration of the issues in Citizens' NRF review.

4. By motion filed March 26, 1998, Citizens requested the Commission to defer consideration of all issues in Citizens NRF review with the exception of Issue No. 2, "Review of [Citizens] service quality experience both in general and in reference to the Service Quality Assurance Mechanism (SQAM) and Improvements."

5. Consideration of Citizens' NRF review issues (with the exception of Issue No. 2) will benefit from deferral until after a decision in R.98-03-040.

6. Citizens timely complied with Ordering Paragraph 6 of D.95-11-024 and requested review of eight separately numbered issues specified in Attachment A to its application for NRF review.

7. The Commission expects to issue its order in Pacific's and GTEC's NRF review in the Fall, 1998, and that order will, in some respects, have an effect on the Commission's consideration of the issues in Citizens' NRF.

Conclusions of Law

1. Citizens' motion should be granted to allow the Commission an opportunity to consider Citizens' issues in light of its consideration of similar issues in R.98-03-040.

2. All issues specified in Citizens' application for NRF review, with the exception of Issue No. 2, should be dismissed and review of those issues deferred to an application to be filed 150 days from the issuance of the order in R.98-03-040.

3. All issues specified in Attachment A to Citizens' NRF application, with the exception of Issue No. 2, should be dismissed and refiled after the order in Pacific's and GTEC's NRF review is issued.

4. Issue No. 2 specified in Attachment A to Citizens' NRF application should be decided on the documentation currently on file.

INTERIM ORDER

IT IS ORDERED that:

1. All issues specified in Attachment A to Citizens Telecommunications Company, Inc.'s (Citizens) New Regulatory Framework (NRF) review application with the exception of Issue No. 2 are dismissed.

2. Issue No. 2 specified in Attachment A to Citizens NRF review application will be decided on the documentation currently on file in this proceeding.

3. All issues in Attachment A to Citizens' NRF review application, with the exception of Issue No. 2, shall be refiled by Citizens no later than 150 days following the issuance of the Commission's Order in our Order Instituting Rulemaking 98-03-040, Pacific Bell's and GTE California Incorporated's 1998 NRF review.

This order is effective today.

Dated August 6, 1998, at San Francisco, California.

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