

Decision 00-01-005 January 6, 2000

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Pacific Bell  
(U 1001 C) for Authority Pursuant to Public  
Utilities Code Section 851 to Lease Space to  
Affiliates.

Application 99-06-052  
(Filed June 30, 1999)

**ORDER PURSUANT TO RULE 6.5 OF  
THE RULES OF PRACTICE AND PROCEDURE**

Rule 6.5(b) of the Rules of Practice and Procedure concerning changes in the need for hearing or preliminary categorization of a proceeding provides:

If the assigned Commissioner, pursuant to Rules 6(a)(3), 6(c)(2), or 6(d), changes the preliminary determination on need for hearing, the assigned Commissioner's ruling shall be placed on the Commission's Consent Agenda for approval of that change.

Pursuant to Rule 6.1, the Commission in Resolution ALJ 176-3019 preliminarily determined the above-entitled matter to be a ratesetting proceeding not expected to go to hearing. The application was subsequently protested and a prehearing conference held. After considering the application, the protest and the prehearing conference statements of the parties, Commissioner Hyatt issued an Assigned Commissioner's Ruling dated September 10, 1999 finding that the need for hearing determination should be changed.

We have considered our preliminary determination and the Assigned Commissioner's Ruling, and we agree with the assigned Commissioner that a hearing is needed.

A.99-06-052 ALJ/JPO/tcg \*

The draft of this decision was mailed to the parties in accordance with Pub. Util. Code § 311(g) and Rule 77.1 of the Rules of Practice and Procedure. No comments were received.

**IT IS ORDERED** that a hearing is needed in this proceeding.

This order is effective today.

Dated January 6, 2000, at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
CARL W. WOOD  
Commissioners

I abstain.

LORETTA M. LYNCH  
Commissioner