

Decision 99-03-036 March 18, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to Consider Modifications to the Universal Lifeline Telephone Service Program and General Order 153.

Rulemaking 98-09-005
(Filed September 3, 1998)

ORDER REVISING THE SCOPE OF RULEMAKING 98-09-005

The Commission issued Order Instituting Rulemaking (OIR) 98-09-005 on September 3, 1998. As required by Rule 6(c)(2) of the Commission's Rules of Practice and Procedure (Rules), the Commission preliminarily determined in OIR 98-09-005 that the scope of this proceeding consists of the specific matters identified in Appendices B, C, D, E, and F of the OIR.

On February 10, 1999, Commission Neeper issued a ruling¹ which revised the scope of this proceeding to (i) exclude the issue of whether Pacific Bell is receiving double compensation for Universal Lifeline Telephone Service (ULTS) service representatives and untimed calls²; (ii) include the issue of whether low-income deaf and disabled customers should receive the ULTS discount on two residential telephone lines if both lines are required to operate specialized equipment or services for the deaf and disabled; and (iii) include the issue of whether General Order (GO) 153 should be amended to incorporate the rule

¹ Commissioner Neeper's ruling was issued pursuant to Rule 6.3 which states, in relevant part, that "the assigned Commissioner shall rule on the scoping memo for the proceeding, which shall finally determine the...issues to be addressed."

² The issue of whether Pacific Bell is receiving double compensation for ULTS service representatives and untimed calls is set forth in OIR 98-09-005, Appendix B, Section IV, Items 2 and 3.

adopted by the Commission in Decision (D.) 96-10-076 which requires carriers that sell services to residential customers in languages other than English to provide these customers with Commission-mandated ULTS notices in the same languages in which the services were originally sold.

After having considered the revisions to the scope of this proceeding as set forth in Commissioner Neepers' ruling, we conclude the revisions are reasonable and shall adopt them.

Pub. Util. Code Section 311(g)

A draft of this decision was mailed to the parties in accordance with Pub. Util. Code § 311(g) and Rule 77.1. Parties filed comments on the draft decision on March 8, 1998, and reply comments on March 15, 1998. Based on these comments, we concluded that one clarification and one modification to Commissioner Neepers' ruling are in order. First, several parties asserted in their comments that the Commissioner's ruling inappropriately excluded from the scope of this proceeding the issue of whether all carriers, not just Pacific Bell, should be allowed to recover from the ULTS Fund their costs for ULTS service representatives and untimed calls. These parties are mistaken -- the Commissioner's ruling did not exclude this issue from the proceeding.

Second, Public Advocates³ (PA) stated in its comments that the Commissioner's ruling should have expanded the scope of this proceeding to include the issue of whether GO 153 should be amended to incorporate the rule adopted by the Commission in D.96-10-067 which requires local exchange

³ Public Advocates represents the following parties: The National Council for La Raza, Oakland Chinese Community Council, Southern Christian Leadership Conference, Oakland Citizens' Committee for Urban Renewal, Korean Youth and Community Center, Filipinos for Affirmative Action, and Spanish Speaking Citizens' Foundation.

carriers ("carriers") that sell services to residential customers in languages other than English to:

Provide all residential customers with Commission-mandated ULTS notice in seven languages (i.e., Spanish, Mandarin, Cantonese, Vietnamese, Korean, Japanese, and Tagalog) and include with the notice toll-free telephone numbers for access to bilingual customer service representatives in the languages in which the carrier sells its services from those listed above.
(D.96-10-067, Appendix A, Item 2, emphasis in original)

We agree with PA and shall revise the scope of this proceeding to include consideration of whether to amend GO 153 to incorporate the above rule.⁴

IT IS ORDERED that:

1. The scope of this proceeding as set forth in Appendices B, C, D, E, and F of Order Instituting Rulemaking (OIR) 98-09-005 is revised to:

- (a) Exclude the issues contained in Appendix B, Section IV, Items 2 and 3 of OIR 98-09-005;
- (b) Include the issue of whether low-income deaf and disabled customers should receive the ULTS discount on two residential telephone lines if both lines are required to operate specialized equipment or services for the deaf and disabled; and

⁴ PA also stated in its comments that the Commissioner's ruling should have expanded the scope of this proceeding to include several other matters. We affirm the Commissioner's ruling not to expand the scope of this proceeding to include the additional matters sought by PA.

- (c) Include the issue of whether General Order 153 should be amended to incorporate the rule adopted in Decision 96-10-076 which requires local exchange carriers ("carriers") that sell services to residential customers in languages other than English to (i) provide these customers with Commission-mandated ULTS notices in the same languages in which the services were originally sold, and (ii) annually provide all their residential customers with Commission-mandated ULTS notices in seven languages (i.e., Spanish, Mandarin, Cantonese, Vietnamese, Korean, Japanese, and Tagalog), and to include with the notice the toll-free numbers for access to bilingual customers service representatives in the languages in which the carrier sells it services from those listed above.

2. The assigned Commissioner, following notice to the full Commission, may further revise the scope OIR 98-09-005.

This order is effective today.

Dated March 18, 1999, at San Francisco, California.

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