

Decision 99-09-021 September 2, 1999

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.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)

O P I N I O N**I. Background**

In Decision (D.) 98-12-081, we approved a Public Education Program (PEP) for the 310/424 Numbering Plan Area (NPA) overlay, including an authorized budget. By this order, we prescribe the procedures whereby carriers shall contribute their share of the budget obligation for the PEP, and also whereby carriers' claims for PEP expense reimbursement may be submitted and paid.

We initially approved a reimbursable PEP budget amount of \$187,715. We subsequently increased this authorization to \$317,715 as prescribed in D.99-02-074. We also approved an industry proposal to allocate the budgeted reimbursable costs of the PEP among carriers based on the relative share of NXX codes in the 310 NPA held by each carrier as of February 1, 1999. Under the adopted approach, each carrier is required to contribute a pro rata share of the total approved reimbursable budgeted costs based on the ratio of NXX codes held by each carrier in relation to the total assigned NXX codes in the 310 NPA as of February 1, 1999.

We stated in D.98-12-081 that we would address in a subsequent order a plan to initiate the necessary accounting, billing, and disbursement procedures to administer the PEP funding. The instant order adopts a plan for this purpose.¹

II. Discussion

We shall designate the Director of the Consumer Services Division (CSD) as the overall administrative coordinator of the process of collecting and disbursing PEP funds under the approved 310/424 NPA budget. The first step in this process is the collection of funds due from carriers for their share of the PEP budget. The North American Number Plan Administrator (NANPA) is directed to provide the requisite information to the CSD Director within 10 days of this order concerning the number of NXX codes assigned to each code holder in the 310 NPA as of February 1, 1999. D.98-12-081 excludes one-way paging services in the funding of the adopted PEP. The NANPA is directed to disaggregate the one-way paging services from the total code holders as of February 1, 1999 in providing this information. The number of codes held by each carrier shall also be listed by carrier name and amount. By dividing the total approved PEP budgeted amount by the number of NXX codes, the resulting contribution amount per NXX code can be determined. The amount due from each carrier will be equal to the contribution per code multiplied by the number of codes held on February 1, 1999. After receipt of the code data from the NANPA and making the necessary computations, the CSD Director shall promptly notify each code holder in writing concerning the amount owed.

¹ We note that Pacific Bell and GTE California Inc. have each filed motions seeking to recover PEP costs from ratepayers as a Limited Exogenous (LE) factor. This decision does not address or prejudge the ultimate disposition of these motions.

Carriers are directed to submit checks to the CSD Director within 20 days of receipt of notice made payable to the "PEP Fund."

After receipt of funds as outlined above, carriers shall then be authorized to submit claims for their actual reimbursable expenses incurred for the PEP. All claims must be submitted no later than November 15, 1999, and shall include appropriate supporting documentation detailing the nature and amount of the cost. The claims shall be submitted to the attention of the Director of the CSD.

Once all claims have been received and reviewed, a determination will be made concerning disbursement of funds to carriers. Any claims which are determined by the Commission to be unsupportable, unreasonable, or otherwise unrelated to the authorized PEP activities shall not be subject to reimbursement. If the total justifiable claims are equal to or less than the previously collected funds paid in by code holders, each carrier shall be disbursed a check in the amount of the claim. If the total justifiable claims exceed the total collected funds, then each carrier shall be disbursed a check for their claim, less the fractional share by which the total of all claims exceed collected funds. We shall consider what, if any, further collection measures may be necessary once the total funds are collected and claims for payment are received.

III. Comments on Draft Decision

The draft decision of the Administrative Law Judge in this matter 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 filed in response to the draft decision.

Findings of Fact

1. D.98-12-081 approved a PEP for the 310/424 area code overlay, including an authorized reimbursable budget of \$187,715, subsequently increased to \$317,715 as prescribed in D.99-02-074.
2. Under the adopted approach, each carrier, excluding one-way paging services, was to contribute a pro rata share of the total approved reimbursable budgeted costs based on the ratio of NXX codes held by each carrier in relation to the total assigned NXX codes in the 310 NPA as of February 1, 1999.
3. The actual procedures to implement the accounting, billing, and collection of PEP funds was deferred to a subsequent order.
4. In his role as the neutral liaison in the overall administration of the PEP, the Director of CSD is the appropriate person to administer the budget process.

Conclusions of Law

1. The procedure adopted in the order below provides a reasonable means of implementing the billing, collection, and accounting requirements called for in D. 98-12-081.
2. Carriers are entitled to be reimbursed for reasonably incurred expenses in conformance with the budgeted activities approved in D.98-12-081 and D.99-02-074 in accordance with the procedures set forth below.

O R D E R

IT IS ORDERED that:

1. The Director of the Consumer Services Division (CSD) is hereby designated as the coordinator the necessary billing, collection, and accounting requirements called for in Decision 98-12-081.

2. The North American Number Plan Administrator (NANPA) is directed to provide the requisite information to the CSD Director within 10 days of issuance of this order concerning the number of NXX codes assigned by each code holder, excluding one-way paging services, in the 310 Numbering Plan Area as of February 1, 1999.

3. After receipt of the code data from the NANPA and making the necessary computations, the CSD Director shall promptly bill each code holder indicating their share of costs to be paid into the 310 Public Education Program (PEP) fund.

4. Carriers are directed to submit checks to the CSD Director within 20 days of receiving a billing notice made payable to the "310 PEP Fund."

5. After receipt of funds, the CSD Director shall notify carriers to submit claims for actual reimbursable PEP expenses. All claims must be submitted no later than November 15, 1999, and shall include appropriate supporting documentation.

6. Once all claims have been reviewed, a prompt determination will be made concerning the appropriate disbursement or other disposition of funds.

This order is effective today.

Dated September 2, 1999, at San Francisco, California.

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