

Decision 99-12-003 December 2, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Philip Ortega,

Complainant,

vs.

AT&T Communications of California, Inc.,

Defendant.

Case 92-08-031
(Filed August 24, 1992)

Centro Legal de la Raza et al.,

Complainants,

vs.

AT&T Communications of California, Inc.,

Defendant.

Case 92-09-009
(Filed September 8, 1992)

OPINION

This decision grants Philip Ortega (Ortega) an award of \$33,601.00 in compensation for contributions to Decision (D.) 94-11-026, D.97-09-060, D.97-12-052, and D.98-10-023. These decisions addressed issues raised in the complaint filed by Ortega challenging the procedure by which AT&T Communications Inc. (AT&T) filed new payphone rates in Advice Letter (AL) 254.

1. Background

On May 20, 1992, AT&T filed AL 254 with the Commission, advising of changes to AT&T's interLATA rates and charges for pay phone calls paid by coin. The changes took effect on July 1, 1992. On August 24, 1992, Ortega filed a complaint, Case (C.) 92-08-031. The complaint alleged that the implemented changes were unauthorized because the filing of an AL was an improper means of instituting changes and because the AL itself was defective. On September 8, 1992, Centro Legal de la Raza filed a complaint (C.92-09-009) alleging that the increases resulting from AL 254 discriminate against persons who must use coins to place long distance calls. At a prehearing conference on December 14, 1992, the two complaints were consolidated, and requests to intervene by the California Payphone Association and the Division of Ratepayer Advocates (DRA) were granted.¹ An evidentiary hearing was held on February 16, 1993 regarding three issues: (1) do the rate changes resulting from AL 254 constitute a "minor increase"; (2) was this type of change authorized by a prior decision; (3) did AL 254 contain the information required by General Order (GO) 96-A.

In D.94-11-026, the Commission concluded that the rate changes implemented by AT&T were not lawfully authorized because AT&T sought to institute these increases by an advice letter. The Commission concluded that the AL itself was defective. The Commission directed AT&T to immediately reinstate rates for all pay phones to the rates that were in effect prior to July 1, 1992. The decision further ordered AT&T to calculate the amounts collected since July 1, 1992, in excess of the rates in effect prior to the excess payments, and

¹ The Division of Ratepayer Advocates (DRA) was reorganized and renamed the Office of Ratepayer Advocates (ORA) during the course of this proceeding.

to file a report with this information. On December 12, 1994, AT&T filed an application for rehearing of D.94-11-026. Pending review of the application for rehearing, the Commission ordered a partial stay of D.94-11-026. The Commission stayed the requirement that AT&T reinstate the pre-July 1, 1992, rates. The Commission subsequently issued D.97-09-060, granting limited rehearing and modifying D.94-11-026. Limited modifications were ordered by D.97-09-060. Limited rehearing was granted to permit parties to file additional pleadings on the issue of how any customer refunds should be accomplished, and whether the refund period should terminate at the effective date of AL 349, which superseded AL 254.

On October 6, 1997, AT&T and Ortega filed their responses to the Commission's directive for further filings in D.97-09-060. In compliance with a ruling of the assigned Administrative Law Judge (ALJ) which set the issue of the validity of AL 349 for briefing, Ortega and AT&T submitted initial and reply briefs. On October 8, 1998, the Commission issued D.98-10-023, the purpose of which was to lift the stay on the refund obligation, determine the period over which unauthorized rates were charged, calculate the final refund amount, and order the refund to customers. D.98-10-023 ordered AT&T to refund the amount it overcollected prior to March 1993, in the amount of \$3.1 million plus interest. It further ordered AT&T to maintain an accounting to show the actual amount refunded, and to file a compliance statement. Lastly, AT&T was prohibited from filing any advice letters to change its interLATA intrastate coin payphone rates until the refund has been fully distributed.

Ortega subsequently filed an application for rehearing of D.98-10-023. Ortega raised allegations of error concerning evidence developed during the rehearing phase of the proceeding that culminated in the issuance of D.98-10-023. He also alleged that D.98-10-023 contained ambiguous language. The

Commission found no factual or legal errors in the decision, and denied the application for rehearing in D.99-01-026.

Ortega originally filed a Request for Compensation on January 6, 1995. This request was premature because there was no final order or decision at that time. Ortega filed a Supplemental Request for Compensation on March 19, 1999. An Opposition to the request was filed by AT&T on April 16, 1999. Ortega filed a Reply to AT&T's Opposition on April 27, 1999. Ortega provided a Supplemental Declaration on June 28, 1999, providing supplemental documentation of financial hardship.

2. Requirements for Awards of Compensation

Intervenors who seek compensation for their contributions in Commission proceedings must file requests for compensation pursuant to Pub. Util. Code Sections 1801-1812.² Section 1804(a) requires an intervenor to file a notice of intent (NOI) to claim compensation within 30 days of the PHC or by a date established by the Commission. The NOI must present information regarding the nature and extent of planned participation in the proceeding, and an itemized estimate of compensation that the customer expects to request. The NOI may also request a finding of eligibility.

Other code sections address requests for compensation filed after a Commission decision is issued. Section 1804(c) requires an intervenor requesting compensation to provide "a detailed description of services and expenditures and a description of the customer's substantial contribution to the hearing or proceeding." Section 1802(h) states that "substantial contribution" means that,

² All section references are to the Public Utilities Code.

"in the judgment of the commission, the customer's presentation has substantially assisted the Commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer. Where the customer's participation has resulted in a substantial contribution, even if the decision adopts that customer's contention or recommendations only in part, the commission may award the customer compensation for all reasonable advocate's fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation."

Section 1804(e) requires the Commission to issue a decision which determines whether or not the customer has made a substantial contribution and the amount of compensation to be paid. The level of compensation must take into account the market rate paid to people with comparable training and experience who offer similar services, consistent with Section 1806.

3. NOI to Claim Compensation and Finding of Eligibility

On December 14, 1992, a prehearing conference on the two complaints in this case was held before ALJ Wheatland. Ortega submitted a "Request for Finding of Eligibility" on January 11, 1993. In this filing Ortega stated his intention to participate on all issues dealing with the procedure by which AT&T raised its coin rates on July 1, 1992. This filing satisfied the requirements of Section 1804(a) that provides that a customer who intends to seek an award of compensation must file a notice of intent to seek compensation within 30 days after the prehearing conference. The pleading was timely filed.

The "Request for Finding of Eligibility" included a showing of significant financial hardship. The showing included a declaration signed by Philip Ortega stating that he is legally blind and had an income of \$680 per month from SSI

payments, plus occasional part-time jobs averaging \$100 per month. He had no savings, and debts totaling \$5,100. The declaration was dated January 10, 1993. No ruling on eligibility was issued.

By ALJ Ruling dated May 28, 1999, Ortega was granted leave to provide supplemental documentation of his personal finances for the years 1992, and 1994 through 1998. Supplementary information was supplied on June 28, 1999, indicating that Ortega's financial condition for the years 1992 through 1995 was as described in his declaration dated January 10, 1993. In May, 1996, to the present he has held a full-time job paying \$8.29 per hour. His SSI payments were reduced to the amount of \$250 per month. Having reviewed the supplemental information provided, we find that Ortega has demonstrated that he cannot afford to pay the costs of participation in this proceeding without undue financial hardship. Accordingly, we find Ortega has demonstrated significant financial hardship in this proceeding.

4. Timeliness of Request For Compensation

Section 1804(c) provides that a request for award of compensation must be filed within 60 days following issuance of a final order or decision by the Commission. The Supplemental Request for Compensation was filed by Ortega on March 19, 1999. AT&T argues that this Request is not timely. AT&T calculates the filing date for the Supplemental Request as 60 days following the October 8, 1998, issuance of D.98-10-023. By AT&T's calculations, the Supplemental Request should have been filed no later than December 7, 1998.

We disagree with AT&T's reasoning. We find that D.98-10-023 was not a final decision in this proceeding because Ortega filed an Application for Rehearing of D.98-10-023. There was no final decision in this proceeding until the issuance of D.99-01-026 on January 21, 1999, wherein we denied Ortega's

application for rehearing. Therefore, the Supplemental Request was timely filed on March 19, 1999.

5. Eligibility for Intervenor Funding in Complaint Case

Ortega participated in this proceeding as a complainant challenging increases by AT&T in rates and charges for interLATA calls paid by coin at pay telephones. The law allows for intervenor compensation in complaint proceedings. In D.98-04-059 we discussed the circumstances under which a complainant may be found ineligible for intervenor funding in a complaint case. Based upon a review of statutory law and legislative intent we concluded that a complainant acting solely in an individual capacity and seeking a personal remedy is not entitled to claim compensation as an intervenor in a Commission proceeding. (D.98-04-059, pp. 21-22; see also, *Grinstead v. Pacific Gas and Electric Co.* [D.95-10-050] (1995) 62 CPUC2d 202.) In the case before us, it is clear that Ortega did not participate in an individual capacity seeking a personal remedy. Any savings in pay coin rates that Ortega could anticipate from prevailing on his complaint are minimal compared to the expense of pursuing the complaint before the Commission. In the declaration attached to Ortega's "Request for Finding of Eligibility" dated January 11, 1993, Ortega states that he considered himself a representative of the homeless and others who have no method of using telephone service other than by coin deposit. Ortega's participation throughout this proceeding was consistent with that of such a representative. Accordingly, we conclude that Ortega is eligible to seek intervenor funding in this complaint proceeding.

6. Contribution to Resolution of Issues

The Public Utilities Code defines "substantial contribution" for purposes of intervenor funding. An intervenor may be found to have made a substantial

contribution because it offered a factual or legal contention, or specific policy or procedural recommendations that are adopted in whole or in part by the Commission. Where the customer's participation has resulted in a substantial contribution, even if the decision adopts that customer's contention or recommendations only in part, the Commission may award the customer compensation for all reasonable fees and costs. (See Section 1802(h).)

Participation by a customer that materially supplements, complements, or contributes to the presentation of another party, including the Commission staff, may be fully eligible for compensation if the participation makes a substantial contribution. (See Section 1802.5.)

The complaint filed by Ortega on August 24, 1992, alleged that the rates implemented by AT&T were unauthorized because the filing of an advice letter was an improper means of instituting the changes. It also alleged that the advice letter itself was defective. Ortega's complaint led directly to the Commission's decision in D.94-11-026. In that decision, the Commission directed AT&T to reinstate interLATA rates for all pay phone calls paid by coin to the rates and charges which were in effect prior to July 1, 1992, and ordered that amounts overcollected are subject to refund. Ortega's complaint was responsible for bringing the issue of AT&T's procedure in raising its rates to the Commission's attention. DRA intervened after the complaint was filed. Ortega filed opening and reply briefs that presented a number of arguments adopted in the Conclusions of Law in D.94-11-026. The Commission adopted the key elements of Ortega's position. Ortega has demonstrated that he made a substantial contribution to D.94-11-026. No discount for duplication of effort is appropriate in light of the fact that Ortega, as complainant initiated the complaint and outlined the key issues in briefs.

Both AT&T and the California Payphone Association (CPA) filed applications for rehearing of D.94-11-026. Both Ortega and Office of Ratepayer Advocates (ORA) opposed rehearing. Only limited rehearing on three minor factual issues was granted in D.97-09-060. The central ordering paragraphs requiring reinstatement of prior rates and refund of excess amounts collected remained unaltered. Ortega's efforts in opposition to the applications for rehearing of D.94-11-026 substantially contributed to the Commission's decision upholding the key elements of the decision. No reduction for duplication of effort by ORA is warranted. The Commission has previously noted that the governing statutes envision that some participation that is duplicative may still make a substantial contribution. (See D.98-04-049, mimeo., p. 49.) To the extent that any duplication in the positions of Ortega and ORA might exist, it would be unreasonable to apply a discount to Ortega's request for work in opposition to the applications for rehearing. It was important that Ortega, as complainant, communicate a position to the Commission on the issues raised by the applications for rehearing because the applications directly challenged the relief ordered by the Commission in the complaint proceeding.

Ortega points out in his Supplemental Request that on rehearing of D.97-09-060, he demonstrated that the decision contained an error regarding the Commission's jurisdiction. His application was successful, and the error was corrected in D.97-12-052. Ortega was the only party to point out this error, and clearly made a substantial contribution to the Commission's decisionmaking.

D.98-10-023 lifts an earlier stay on AT&T's refund obligation, determines the period over which unauthorized rates were charged, calculates the final refund amount, and orders the refund to customers. The amount to be refunded is \$3.1 million, and shall include interest. Ortega participated in all aspects of the proceeding leading up to the issuance of D.98-10-023. This included providing

filings in response to the Commission's directive in D.97-09-060. Ortega directed the Commission's attention to Section 453.5 which requires that refunds be distributed to the customers that paid them, where practicable, or to current customers. Ortega also submitted initial and reply briefs in compliance with an ALJ ruling of November 24, 1997. (ORA submitted a reply brief only.) Ortega also participated in oral argument before the Commission on July 21, 1998. Throughout the efforts outlined above, Ortega continued to advocate for the refund of unauthorized rates, and provided input on methods of achieving an appropriate refund. Ortega has demonstrated that he made a substantial contribution to D.98-10-023 that finalized the refund order outlined in D.94-11-026. Any duplication of effort between Ortega and ORA does not warrant a reduction for duplication of effort during this time period. Ortega's participation was not a supplement to ORA's participation. For example, ORA did not file an initial brief in compliance with the ALJ ruling of November 24, 1997, though Ortega did so. Ortega advanced his own arguments, and substantially contributed to the Commission's process throughout its review of the many issues raised by the complaint.

Ortega correctly does not seek compensation for work related to the filing of an his application for rehearing of D.98-10-023. This application for rehearing was denied. Therefore, Ortega did not make a substantial contribution to a Commission order or decision on issues in his application for rehearing.

We have considered AT&T's argument in its Opposition wherein it states that Ortega did not make a substantial contribution to the complaint case. As outlined above, AT&T is incorrect in its assertion that Ortega "did little more than file a complaint." Ortega was an active participant throughout the proceeding, and raised several issues that were not raised by DRA or any other party. We disagree with AT&T's assertion that because DRA provided a witness

at the hearing and Ortega did not, Ortega did not take the lead in the prosecution of the complaint. A hearing on the complaint was not essential to the resolution of the complaint. As noted in the ALJ Ruling of January 8, 1993, the Commission could have taken official notice of tariffs and advice letters, and the issues raised by the complaint could have been argued through written briefs.

7. Customer Interests Represented and Benefits to Ratepayers of Ortega's Participation

The Commission stated in D.98-04-059 that the original NOI to seek intervenor compensation shall contain information that enables the presiding officer to make a preliminary assessment of whether an intervenor will represent customer interests that would otherwise be underrepresented. Additional assessment of this issue is to occur in response to any request for compensation. If the intervenor is a customer representing interests that would otherwise be underrepresented, who meets the significant financial hardship criteria, that customer may be eligible for an award of compensation. (D.98-04-059, mimeo., pp. 27-28; Finding of Fact 13.) Ortega states in the declaration attached to the Request for Finding of Eligibility dated January 11, 1993, that he was homeless for a period of time. He states that he knows from first-hand experience how important pay phones and the ability to pay with coins can be. He indicates that in this proceeding he considers himself to be a representative of the homeless and others who have no method of using telephone service other than by coin deposit. We find that the record supports a finding that Ortega represented customer interests that would otherwise have been underrepresented. Because Ortega chose to initiate the complaint on behalf of others who use pay phones by coin deposit, an important customer issue was brought to the Commission's attention that might not have otherwise been considered. Ortega's participation

throughout the proceeding assisted in ensuring that the ultimate decision in the proceeding took into account the impact upon the class of customer's Ortega undertook to represent.

In D.98-04-059, Finding of Fact 42, we indicated that compensation for a customer's participation should be in proportion to the benefit the ratepayers receive as a result of that participation. We recognized that "monitizing" the benefits accruing to ratepayers as a result of a customer's substantial contribution may be difficult, but making such an assessment of whether the requested compensation is in proportion to the benefits achieved is a means of ensuring that ratepayers receive value from compensated intervention, and that only reasonable costs are compensated. (D.98-04-059, mimeo., p. 73.) We find that the benefits of Ortega's participation in this complaint case far outweigh the costs. As a result of the initiation of Ortega's complaint and his participation, including bringing the error corrected in D.97-12-052 to the Commission's attention, D.98-10-032 was issued. That decision orders AT&T to reduce its interstate intraLATA coin rates to 25 cents per minute for a period of time necessary to distribute \$3.1 million, plus interest on the outstanding amount, in refunds to customers. We find that the benefits to customers who use pay phones by coin deposit far outweigh the amount of compensation claimed by Ortega for his participation.

8. The Reasonableness of Requested Compensation

Ortega requests compensation in the amount of \$35,520. This amount consists solely of compensation for attorney fees. The amount is calculated as follows:

Richard L. Kashdan	
180 hours @ \$160 per hour (1992-1998)	\$35,520.00

8.1 Hours Claimed

Ortega seeks compensation for attorney's fees for work performed in 1992-1998. Compensation is not sought for work related to Ortega's application for rehearing of D.98-10-023, which was denied in D. 99-01-026. Ortega's original estimate of compensation that would be sought was \$16,500. (Request for Finding of Eligibility, January, 11, 1993.) This is considerably less than the actual request before us. We consider a significant increase in compensation to be justified, however, because the complaint case required participation over a longer period of time than could initially be anticipated. Ortega's initial estimate covered work only through hearings in February, 1993. In fact a final decision in the case was not issued until January, 1999.

We have reviewed AT&T's contention in its Opposition that Ortega's compensation should be reduced because an excessive amount of time is claimed for phone calls. We conclude that, as contended by Ortega in his Reply, the billing statements have been misinterpreted by AT&T. The billing records maintained by Mr. Kashdan present a summary of hours spent each day on all activities. The daily hourly total does not break down the amount of time spent on each listed activity performed during a day. Therefore, it is not possible to determine exactly how many hours were spent on phone calls versus other activities on a given day. We suggest that in the future Mr. Kashdan, if he intends to seek compensation, separately itemize each activity and the time spent. This procedure assists the Commission in its review of the reasonableness of hours claimed by making the breakdown of time per activity very clear. We will not, in this case, require Mr. Kashdan to provide us with a breakdown of the time spent on telephone calls each day. We find such an exercise unnecessary in this case because we do not consider that the amount of time spent on any day is excessive for the range of activities performed. We disagree with AT&T that we

should impute an assumed amount of telephone time and disallow a portion of this time. Because the total request for compensation is reasonable in relationship to the contributions that Ortega made to the outcome of the case, we do not find it appropriate to reduce the compensation requested. We also do not assume that telephone calls between Mr. Kashdan and ORA were not productive in terms of the outcome of the case. We recognize that there are circumstances where the dialogue between an intervenor and Commission staff can be productive and beneficial to both intervenor and staff in the preparation of their cases.

We note that Mr. Kashdan has billed his full hourly rate for work on 11/18/94 and 1/5/95 related to preparation of the request for compensation (a total of three hours). In D.98-04-059 we reaffirmed our conclusion that compensation requests are essentially bills for services and do not require a lawyer's skill to prepare. Parties will be compensated for an attorney's time in preparing a request for compensation at 1/2 the attorney's hourly rate. (D.98-04-059, mimeo., p. 51.) Accordingly, we will reduce the amount of the award to reflect payment at 1/2 the attorney's hourly rate for the three hours on 11/18/94 and 1/5/95. We do not reduce the fee for the one hour of work done on 1/4/95 for "legal research on intervenor compensation" based on our assumption that this work required the skill of an attorney.

With the exception of the three hours spent in preparation of the compensation request, we find the hours billed to be reasonable and fully compensable.

8.2 Hourly Rates

Section 1806 requires the Commission to compensate eligible parties at a rate that reflects the " ...market rate paid to persons of comparable training and experience who offer similar services."

Ortega is claiming an hourly rate of \$160 per hour for work performed by attorney Richard L. Kashdan from 1992 through 1998. The Commission awarded Mr. Kashdan \$160 per hour in D.98-05-014. The award in that decision was for work performed after the filing of the application in that case (A.95-12-043) on December 5, 1995. The Commission noted that while Mr. Kashdan is moderately experienced as an attorney, his combined legal and technological experience made \$160 per hour reasonable. Without his experience, intervenors in that case may have been required to hire another expert. Mr. Kashdan's experience provided the same dual benefit in this proceeding.

We note that in the prematurely filed Request for Compensation, dated January 6, 1995, Ortega sought compensation for Mr. Kashdan at the rate of \$150 per hour. In the Supplemental Request for Compensation the request is changed, and \$160 an hour is sought for all hours worked on the basis that this is the rate that was awarded in D.98-05-014. For those attorneys that appear before the Commission on a regular basis, it is our practice to adjust upward the hourly rate of attorneys periodically to reflect the fact that hourly rates and salaries increase over time with an increase in experience and to reflect inflationary pressures. For this reason we conclude that it is not reasonable to award a fee of \$160 per hour for all work performed by Mr. Kashdan from 1992 through 1998. We will adopt Mr. Kashdan's original requested rate of \$150 per hour for work performed in 1992 through 1994. Given Mr. Kashdan's experience and skills, we would have found that to be a reasonable hourly rate had we ruled on Ortega's Request in 1995. We find an increase in Mr. Kashdan's hourly rate to \$160 per

hour to be reasonable for work performed in 1995 through 1998. This increase is consistent with the increased experience that Mr. Kashdan gained during this time, for which he could reasonably expect to be compensated. It is also consistent with the hourly rate allowed in D.98-05-014 for work performed from 1995 to 1998.

The calculation of the award in this proceeding shall be based upon the following hourly rates and hours claimed:

Richard L. Kashdan, Esq.

1992 - 1994	(177.5 hours x \$150/hr.)	= \$26,625.00
1994 - 1998	(42.1 hours x \$160/hr.)	= \$ 6,736.00
	(3 hours x \$80/hr.) ³	= \$ 240.00
Total Compensation:		\$33,601.00

9. Award

We award Ortega \$33,601.00 for contributions to D.94-11-026, D.97-09-060, D.97-12-052, and D.98-10-023. Consistent with previous Commission decisions, we will order that interest be paid on the award amount (calculated at the three-month commercial paper rate), commencing the 75th day after Ortega filed this Supplemental Request for Compensation and continuing until the utility makes its full payment of award.

As in all intervenor compensation decisions, we put Ortega on notice that the Commission's Telecommunications Division may audit Ortega's records

³ The reduced hourly fee of \$80/hr. is for work performed in preparation of the request for compensation.

related to this award. Thus, Ortega must retain adequate accounting and other documentation to support his claim for intervenor compensation.

10. Allocation of Award Among Utilities

All of the award granted today shall be paid by AT&T, because it is the only defendant in the case and the only utility affected by Ortega's participation in this proceeding.

11. Comments on Draft Decision

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

Findings of Fact

1. Ortega timely requests compensation for contributions to D.94-01-026, D.97-09-060, D.97-12-052, and D.98-10-023.
2. Ortega contributed substantially to D.94-01-026, D.97-09-060, D.97-12-052, and D.98-12-052 as set forth herein.
3. Any duplication of effort between Ortega and DRA, and DRA's successor ORA, was minor and does not warrant a reduction in the amount of the award.
4. Ortega represented the interests of pay phone users who rely on coin deposit service. These interests would have been underrepresented in this proceeding if Ortega had not filed the complaint and participated in the subsequent proceeding.
5. The benefits to affected customers far outweigh the amount of compensation claimed by Ortega.
6. Ortega requested an hourly rate for his attorney, Richard L. Kashdan, in the Request for Compensation dated January 6, 1995, that is reasonable under the circumstances for work performed between 1992 and 1994. It is reasonable to

increase the hourly rate for work performed by Mr. Kashdan between 1995 and 1998 to the rate approved by the Commission in D.98-05-014.

Conclusions of Law

1. Ortega has fulfilled the requirements of Pub. Util. Code Sections 1801-1812, which govern awards of intervenor compensation.
2. Ortega should be awarded \$33,601.00 for contributions to decisions issued in this proceeding.
3. This order should be effective today so that Ortega may be compensated without unnecessary delay.

O R D E R

IT IS ORDERED that:

1. Philip Ortega (Ortega) is awarded \$33,601.00 as set forth herein for substantial contributions to Decision (D.) 94-01-026, D.97-09-060, D.97-12-052, and D.98-10-023.

2. AT&T Communications of California, Inc., shall, within 30 days of this order, pay Ortega \$33,601.00 plus interest at the rate earned on prime, three-month commercial paper as reported in the Federal Reserve Statistical Release, G.13, with interest beginning on June 2, 1999, and continuing until the full payment has been made.

3. Consolidated Case (C.) 92-08-031 and C.92-09-009 are closed

This order is effective today.

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

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

JOEL Z. HYATT

CARL W. WOOD

Commissioners