

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EVALUATION & COMPLIANCE DIVISION
Telecommunications BranchRESOLUTION NO. T-12038
July 29, 1987R E S O L U T I O N

LOS ANGELES CELLULAR TELEPHONE COMPANY (LACTC)(U-3007-C) AND LACTC SALES, INC. ORDER AUTHORIZING AN EXTENSION OF 120 DAYS FOR LACTC TO PROVIDE CELLULAR SERVICE ON A RESALE BASIS TO SOME OF ITS SUBSCRIBERS USING THE LOS ANGELES SMSA LIMITED PARTNERSHIP'S CELLULAR SYSTEM NUMBERS.

SUMMARY

This resolution authorizes the Los Angeles Cellular Telephone Company to extend, for 120 days, their authorization, under Decision No. 84-06-110, to provide cellular service on a resale basis to some of their subscribers who had been assigned telephone numbers which could not be transferred from the PacTel cellular system (operated by the Partnership) to that of LACTC. In addition, this resolution establishes that no further additions be made to the LACTC resale customer base (other than those numbers in the Oxnard-Ventura MSA with an 805 or an 818 area code, provided that LACTC certifies, beforehand, that the new customer has a business or residence address within the 805 or 818 serving area) as of July 25, 1987.

BACKGROUND

Prior to the Commission's award of a CPCN on June 25, 1986, LACTC acted as a reseller of cellular service in Los Angeles pursuant to D.84-06-110. Because of an unavailability of separate numbers dedicated to its use, many LACTC subscribers ("Holdover Subscribers") had been assigned telephone numbers which could not be transferred from the PacTel cellular system to that of LACTC. It was contemplated that those Holdover Subscribers would be reassigned LACTC numbers and moved to the LACTC system. In its Decision No. 86-06-058, the Commission ordered that those reassignments and transfers be completed within 120 days following commencement of service on LACTC's own system. This 120 day period ends July 25, 1987.

During this period, LACTC has made efforts to meet the Commission's deadline, including,

1. A program to contact each one of the Holdover Subscribers to persuade them to reprogram their numbers;
2. A NXX incentive program to reward agents for persuading users to transfer to LACTC NXX's.
3. Incentives for customers who bring in their units for reprogramming.
4. A temporary tariffed waiver of LACTC's activation and change order fees for Holdover Subscribers who bring in their units for reprogramming.

Even though these measures have succeeded in reassigning and transferring a significant number of Holdover Subscribers, LACTC projects that there will still be approximately 2,000 Holdover Subscribers left at the end of the Commission ordered 120 day period for authorized cellular resale.

In addition to the above mentioned steps taken to reassign and transfer Holdover Subscribers, and in an attempt to facilitate a smooth transfer of subscribers, LACTC has filed two applications, A.87-04-046, and A.87-06-045. These Applications seek, in the first case, authority to establish LACTC Sales, Inc. as a certified reseller of cellular radiotelephone service in the Los Angeles Geographic Service Area, and in the second case, authority for LACTC to transfer cellular customer accounts to LACTC Sales, Inc.

LACTC's applications have received protests from Los Angeles SMSA Limited Partnership (filed May 22, 1987) and from the California Resellers Association (filed May 28, 1987). LACTC responded to the two protests on June 24, 1987. On June 16, 1987, the applicant filed a motion that the July 25, 1987 deadline imposed by ordering paragraph 13 of Decision 86-06-058 be extended either (a) until the Commission issues a decision on Applications 87-04-045 and 87-04-046, or (b) until October 31, 1987, whichever is later.

DISCUSSION

The above mentioned protests to the Applications, (A.87-04-045, A.87-04-046) make it unlikely that the Commission could act on the merits of the Applications prior to July 26. By that time LACTC's authority for providing cellular service on a retail basis will have ceased. This would mean that LACTC would no longer have the authority to serve its Holdover Subscribers with respect to upholding their filed tariffs, and in processing billing arrangements. These Holdover Subscribers, who are served by the Los Angeles SMSA Limited Partnership's cellular facility, would experience a discontinuity of service due to the fact that no billing could continue, and subsequently no service, by

PacTel, would be provided.

By extending LACTC's resale authority, the company would be given the opportunity to continue their efforts in transferring Holdover Subscribers, while at the same time continuing to provide cellular service to them. We recognize that LACTC's resale of Oxnard-Ventura LA SMSA numbers mitigates its competitors headstart advantage. However, we do not wish to see any new Oxnard-Ventura numbers assigned, only the reassignment of previously sold and released Oxnard-Ventura numbers. Therefore, in order to monitor the transfer of resale subscribers, a mechanism is needed for allowing the Commission, as well as LA SNSA, to review the status on a regular basis.

FINDINGS

(1) The Commission finds that an extension of 120 days for the Los Angeles Cellular Telephone Company to continue to provide cellular service under its retail authority, granted in Decision 84-06-110, is in the best interest of the Holdover Subscribers, as described above, with respect to the provision of continuous service.

(2) The establishment of a monitoring mechanism is necessary in order to analyze the progress of the LACTC transfer and reassignment program; and good cause appearing,

IT IS ORDERED that:

(1) The Los Angeles Cellular Telephone Company's authority, under Decision 84-06-110, to provide cellular service on a resale basis be extended for a period of 120 days, beginning on the effective date of this resolution.

(2) Ordering paragraph 13, decision 86-06-058, is modified to reflect this 120 day extension.

(3) Beginning the effective date of this resolution, LACTC shall freeze additions to their resale customer base, and shall submit to the Commission an accounting as of the most recent billing cycle prior to the July 25, 1987 resale authority expiration date, the following:

- All access numbers purchased by LACTC from LA SMSA, broken down as follows

i) assigned access numbers and associated Electronic Serial Numbers (ESNs).

ii) unassigned access numbers

All unassigned access numbers (other than those for area codes

805 and 818 in the Oxnard-Ventura MSA) shall be returned to LA SMSA.

(4) LACTC shall continue to submit accountings each monthly billing cycle thereafter of the total access numbers remaining, identified by access numbers and associated ESNs.

(5) LACTC shall, in addition to the above, and in the timely manner indicated above, submit to the Los Angeles SMSA Limited Partnership, a summary count, not an exact listing, of all assigned numbers purchased from LA SMSA, only with respect to area codes and prefixes.

The effective date of this resolution is today.

I certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on July 29, 1987. The following Commissioners approved it:



Executive Director

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners