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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION  
Telecommunications Branch

RESOLUTION NO. T-13064  
April 26, 1989

R E S O L U T I O N

ORDER CONFIRMING THAT THE EXECUTIVE DIRECTOR OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION, OR HIS/HER DESIGNEE, MAY FILE CLAIMS IN BANKRUPTCY COURT ON BEHALF OF THE UNIVERSAL LIFELINE TELEPHONE SERVICE TRUST AND/OR THE DEAF EQUIPMENT ACQUISITION FUND TRUST.

SUMMARY

This resolution confirms that the Executive Director of the California Public Utilities Commission (CPUC), or his/her designee, may file claims in bankruptcy court on behalf of the Universal Lifeline Telephone Service (ULTS) Trust and/or the Deaf Equipment Acquisition Fund (DEAF) Trust. This resolution will expedite the collection of monies owed to the ULTS and DEAF Trusts from telephone companies who file for protection in bankruptcy court. Collectively, the dollar amounts owed the trusts could be significant, and it is important that the respective trusts receive monies due them, even if a telephone corporation, as defined by Public Utilities Code 234, files for protection in bankruptcy court.

BACKGROUND

Decision 87-10-088 dated October 28, 1987 ordered the application of the ULTS surcharge to intrastate interLATA and intraLATA toll services of telephone corporations. The telephone corporations are to apply the ULTS surcharge to the appropriate services and remit the surcharge monies to the ULTS Trust Fund.

With respect to the DEAF program, Resolution No. T-13005 directs every telephone corporation to apply a DEAF Trust surcharge on intrastate telephone services, other than one-way radio paging and Universal Telephone service (the basic monthly service), pursuant to Public Utilities Code Section 2881 (d). The revenues generated by the DEAF Trust are to be remitted to the DEAF Trust.

This resolution confirms that the Executive Director of the CPUC, or his/her designee, may file claims in bankruptcy court on behalf of the ULTS Trust and/or the DEAF Trust.

## DISCUSSION

The State of California implemented the ULTS program to provide telephone service to low income households and a DEAF program to provide telephone equipment and services for customers with physical disabilities.

These programs rely on surcharge revenues that the Commission has ordered the telephone corporations, as defined in Public Utilities Code 234, to collect and submit to the respective trusts. Ordering Paragraph No. 18 of Decision 87-10-088 adopted and directed the implementation of the ULTS Trust surcharge to the intrastate interLATA and intraLATA toll services of telephone corporations. The telephone corporations are to apply the ULTS surcharge to the appropriate services, pursuant to Public Utilities Code 879 (c), and submit the surcharge monies to the ULTS fund.

With respect to the DEAF program, Ordering Paragraph No. 1 of Resolution T-13005 directs every local exchange company, interexchange carrier and reseller, cellular radiotelephone carrier and reseller, and radio telephone utility, except one-way radio paging and Universal Lifeline Telephone Service (the basic monthly service), to apply a DEAF Trust surcharge pursuant to Public Utilities Code 2881 (d).

As a number of telephone corporations have filed for bankruptcy protection it is important that the respective trusts receive monies due them, in order to operate without a deficit. This resolution confirms that the Executive Director of the California Public Utilities Commission may file claims in bankruptcy court on behalf of the ULTS program and/or the DEAF program.

## FINDINGS

1. Ordering Paragraph No. 18 of Decision 87-10-088 ordered the implementation of the ULTS Trust surcharge to intrastate interLATA and intraLATA toll services of telephone corporations. The telephone corporations are to apply the ULTS surcharge to the appropriate services, pursuant to Public Utilities Code 879 (c), and submit the surcharge monies to the ULTS Trust fund.
2. Ordering Paragraph No. 1 of Resolution T-13005 dated July 22, 1988 directed the implementation of the DEAF Trust surcharge on the customers of local exchange companies, interexchange carriers and resellers, cellular radiotelephone carriers and resellers, and radio telephone utilities, except one-way radio paging, pursuant to Public Utilities Code 2881 (d).
3. It is desirable to collect all ULTS and/or DEAF surcharge monies that are owed by a telephone corporation.

IT IS ORDERED that:

1. The Executive Director of the California Public Utilities Commission, or his/her designee, may file claims with bankruptcy courts in pursuit of surcharge monies owed to the Universal Lifeline Telephone Service Trust fund and/or the Deaf Equipment Acquisition Fund Trust.

I certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on April 26, 1989. The following Commissioners approved it:

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. CHANAN  
PATRICIA M. ECKERT  
Commissioners



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Executive Director

