

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Advisory & Compliance Division RESOLUTION T-13097
Telecommunications Branch Date September 7, 1989

R E S O L U T I O N

U S WEST CELLULAR OF CALIFORNIA, INC ("U-3008-C"),
CONTRACT OFFERING CELLULAR RADIO TELECOMMUNICATIONS
SERVICE WITH THE CITY OF SAN DIEGO AT OTHER THAN
TARIFFED RATES.

BY ADVICE LETTER No. 16, FILED ON JUNE 30, 1989.

SUMMARY

This resolution authorizes U S West of California, Inc. ("Utility") to enter into an agreement with the City of San Diego to provide cellular telecommunications service. The request was filed with the Commission's Advisory and Compliance Division on June 30, 1989, and served on competing and adjacent utilities. One protest was received, from Cellular Resellers Association, Inc. (CRA), filed July 28, 1989. The Utility has replied to the protest. The protest is dismissed.

BACKGROUND

Advice Letter No. 16 was filed by the Utility seeking Commission authorization for its contract with the City of San Diego. This contract would provide 53 telephone lines, with provisions such as number establishment, monthly access charge, peak airtime and off-peak airtime. The Utility will levee no charges for special calling features.

DISCUSSION

The Utility's filing is aimed at providing the City of San Diego with 53 phone lines at rates comparable to the rate for resellers who use more than 100 numbers per month. Peak airtime presented by the Utility, although lower than reseller rates is based on per minute use as opposed to 1/10 minute increments for resellers. Also, the off-peak airtime is based on the same idea. As a bulk user, the City of San Diego would seem to be getting the benefit of tariffed discount rates directly from the Utility, as other bulk users would, but would avoid the retail charges levied by resellers.

The Staff, having reviewed the Utility's filing, has determined that providing the proposed service to the City of San Diego is

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in the best interest of the customer and does not undermine or discriminate against resellers.

PROTESTS

Cellular Resellers Association, Inc. (CRA) protested Advice Letter No. 16 arguing that the filing lacked certain phraseology and language required by General Order 96-A Section X.A. CRA indicated that the Utility's proposed rates are already in effect prior to Commission approval. CRA also objected to the Utility's proposed rate schedule for the City, indicating that it fell below tariffed wholesale rates offered to certified resellers.

The Utility responded to all CRA's allegations. It agrees that G.O. 96-A, Section X.A requires the contract to contain substantial and pertinent phraseology, and indicated that its filing is adequate in that aspect. The Utility also indicated that contrary to CRA's allegation it has not put its proposed rates into effect and will not do so until such time a Commission authorization is given. As to proposing tariffed rates lower than certified wholesaler rates, the utility demonstrated that the proposed rates are based on a per minute scale as opposed to the 1/10 minute increments for resellers. Both methods work out to similar dollar value.

FINDINGS

We find the conditions of this filing to be reasonable; we find U S West's filing and proposal: 1) contains appropriate and pertinent language as required by General Order 96-A, 2) has not initiated its proposed rates to the City of San Diego prior to Commission authorization, and 3) has proposed tariffed rates which remain competitive and nondiscriminatory to resellers. The protest of the CRA is dismissed.

THEREFORE, IT IS ORDERED that:

The request by U S West of California, Inc. to provide cellular radio telecommunications service to the City of San Diego is hereby made effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 7, 1989. The following Commissioners approved it:

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

Wesley Franklin

WESLEY FRANKLIN
Acting Executive Director