

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14021
Telecommunications Branch November 3, 1989

R E S O L U T I O N

MCI TELECOMMUNICATIONS CORPORATION. EMERGENCY ORDER
REJECTING ADVICE LETTER NO. 85, FILED OCTOBER 31, 1989,
SEEKING TO INTRODUCE INTRASTATE 900 SERVICE.

SUMMARY

This order rejects MCI Telecommunications Corporation's (MCI) Advice Letter No. 85, filed October 31, 1989, seeking to introduce a new intrastate 900 service on November 5, 1989. Notice of this matter did not appear on the Commission's public agenda. However, an emergency exists in that critical consumer safeguards required by the Public Utilities (P.U.) Code and Commission D. 89-03-061 have not been addressed by Advice Letter No. 85, which justifies our action today under P.U. Code Section 306(b).

BACKGROUND

In 1988 the Legislature enacted three laws relating to 900 telephone services (P.U. Code 2884(b), 2884.2, and 2884.5). The CPUC is required to direct telephone corporations providing such services in California to comply with these statutes. In March 1989, the Commission issued D.89-03-061, authorizing Pacific Bell to introduce the first intrastate 900 service in California, and establishing a carefully considered framework of consumer safeguards for intrastate 900 service which include the statutory requirements. Pacific Bell's "California 900" tariff became effective on July 14, 1989. US Telecom, Inc. (dba Sprint Services) has filed A. 89-09-012 and AT&T Communications of California, Inc. has filed A. 89-10-019, both for authority to provide intrastate 900 services. On October 31, 1989, MCI Telecommunications Corporation (MCI) filed Advice Letter No. 85 to introduce MCI 900 Service in California, effective November 5, 1989. Commission D. 85-08-042 authorized non-dominant interexchange carriers to file advice letters effective five days from filing.

PROTESTS

The Commission Advisory and Compliance Division (CADC) received a protest from AT&T Communications of California Inc. (AT&T-C) on November 1, 1989. AT&T-C requests that the Commission suspend Advice Letter No. 85 so that it may be subjected to the same standards as AT&T-C's current application for intrastate 900 authority. AT&T-C also requests that the Commission order

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MCI to immediately cease and desist any current provision of intrastate 900 service in California, which it documents.

DISCUSSION

The consumer safeguards mandated by law and Commission order for 900 telephone services are the result of the much-publicized negative impacts of some telephone information services on unwary children and consumers. These potential negative impacts are so serious that a five-day effective advice letter does not provide adequate opportunity to assure that consumer safeguards are in place and appropriate. The CACD recommends that Advice Letter No. 85 be rejected, and that MCI file an application to offer intrastate 900 service. AT&T-C's request that the Commission issue an order that MCI cease and desist any current provision of intrastate 900 service should be brought before the Commission as a formal Complaint.

Notice of this matter did not appear on the Commission's public agenda. However, an emergency exists in that critical consumer safeguards required by the Public Utilities (P.U.) Code and Commission D. 89-03-061 have not been addressed by Advice Letter No. 85, which justifies our action today under P.U. Code Section 306(b).

FINDINGS

1. The potential negative impacts of 900 service on children and consumers are so serious that a five-day effective advice letter is not appropriate to assure that consumer safeguards are in place and adequate.
2. The CACD recommends that MCI's Advice Letter No. 85 be rejected, and that MCI file an application to offer intrastate 900 service.
3. AT&T-C's request for a cease and desist order should be made in a formal Complaint with the Commission.
4. Notice of this matter did not appear on the Commission's public agenda. An emergency exists in that critical consumer safeguards required by the P.U. Code and Commission D. 89-03-061 have not been addressed by Advice Letter No. 85, which justifies our action today under P.U. Code Section 306(b).

THEREFORE, IT IS ORDERED that:

MCI Telecommunication Corporation's Advice Letter No. 85, filed October 31, 1989, is rejected.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on November 3, 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
Acting Executive Director