

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications BranchRESOLUTION T-14055
February 23, 1990R E S O L U T I O N

RESOLUTION T-14055. PACIFIC BELL. ORDER AUTHORIZING A CONTRACT COVERING THE PROVISION OF CENTREX SERVICE TO THE CITY OF LIVERMORE.

SUMMARY

Pacific Bell (Pacific), by Advice Letter No. 15669, filed on January 26, 1990, requests authority under the provisions of General Order No. 96-A (G.O. 96-A) and Decision No. 88-09-059 to deviate from filed tariff schedules in order to provide the City of Livermore with Centrex service under contract. This Resolution authorizes the contract which Pacific estimates will result in a decrease in annual revenue of approximately \$9,041 during the life of the contract. No protests to this Advice Letter have been filed.

BACKGROUND

In D.88-09-059 the Commission adopted a modified Phase I Settlement (hereinafter referred to as the Settlement). Under the provisions of the Settlement, the Local Exchange Companies (LECs) are allowed to provide certain services, such as Centrex service, under the terms of contracts between the LECs and customers. The Settlement provides that such contracts become effective upon authorization by the Commission.

Appendix A of D.88-09-059 sets forth a process and requirements for the filing of advice letters requesting authorization of customer specific contracts. Such requirements include:

- The contracts do not become effective until authorized by Commission resolution.
- LECs may request confidential treatment of workpapers and supporting cost documentation. Parties to the Settlement, other than the Division of Ratepayer Advocates (DRA) must enter into protective agreements to obtain such workpapers and/or documentation.
- Each contract shall cover the costs of the services provided under each such contract.

- Contracts must contain "appropriate" services.
- The methodology for determining costs shall be either fully allocated or direct embedded.
- For Pacific's Centrex service, the price may in no event go below the price of the single-line business rate plus the multi-line End User Common Line charge per line (1MB+EUCL).
- Tracking procedures will be set up to validate costs.
- Contracts are to be used only in unusual or exceptional circumstances.

The contract filed under Advice Letter No. 15669 covers the provision of Centrex service to the City of Livermore at eleven locations. Centrex service is a central office based communications system equipped with primary station lines capable of direct in and out dialing of calls with optional features.

Under the terms of the contract, Pacific agrees to provide the City of Livermore, who currently receives Centrex service under tariff as well as operating its own PBX, with 242 lines at specified locations for a period of ten years at a fixed rate of \$3290.00 per month (\$13.60 per month per line). The customer may elect to have more lines up to a maximum of 342 lines at the contracted per line rate. Nonrecurring charges for the lines shall be at the prevailing tariff rates.

Pacific indicates that Commission authorization of this contract will result in an estimated decrease in annual revenue of approximately \$9,041 during the life of the contract.

PROTESTS

No protests have been filed on Pacific's Advice Letter No. 15669.

DISCUSSION

The City of Livermore contract, in accordance with the requirements of Appendix A of D.88-09-059, contains the necessary language which conditions its approval upon Commission authorization. Pacific, in its Advice Letter, has requested confidential treatment of workpapers and supporting cost documentation. A review of the contract indicates that the contract does not contain a service listed as inappropriate under the provisions of Appendix A of D.88-09-059.

Based on a review of the workpapers and supporting documentation provided with the contract, it appears that the monthly contract rate of \$3290.00 does recover the specific costs of providing Centrex service to the City of Livermore based on a direct embed-

ded cost analysis. Further, the monthly rate per line (not including nonrecurring charges) under the contract is greater than the 1MB+EUCL.

With regard to tracking procedures required by D.88-09-059, Pacific indicates in the Advice Letter that Pacific will be tracking recurring billings, nonrecurring billings, in-service volumes, inward movement volumes, recurring costs, and nonrecurring costs. In addition, the Advice Letter states that "Pacific will provide an initial six month report and subsequent annual reports to the Commission."

The provisions of Appendix A of D.88-09-059 also require that customer specific contracts are to be used "only in unusual or exceptional circumstances" (Appendix A, page 14). In the Advice Letter, Pacific states,

"A special contract is required in this exceptional circumstance given the fact that this customer asked Pacific for a fixed price and a set term that would be competitive with other vendors. Pacific could not meet the customer's expectations under the current tariffs, and therefore offered a customer specific contract.

The terms and conditions of this contract are specific and unique and should not be considered precedential. The statements in the Advice Letter are unique to this contract and should also not be considered precedential."

Pacific's assertion that the customer requires a fixed price contract that is competitive with PBX alternatives appears to form a reasonable basis on which to determine that an exceptional circumstance exists which warrants the provision of such a contract for Centrex service to the City of Livermore. We note that this determination is made with regard to the City of Livermore based on the assertions made at this time concerning the City of Livermore. We agree with Pacific that such a determination for this contract with the City of Livermore should not be considered and will not be considered by this Commission as establishing a precedent for similar determinations for subsequent contracts with other customers for telecommunications services.

D.88-09-059 states that "for Pacific's Centrex, the price may in no event go below the price of the single-line business rate, plus the multi-line EUCL per line." The following two questions have arisen concerning this requirement:

1. What is the appropriate "price" for Pacific's Centrex which should be compared to the price of the 1MB+EUCL?
2. Is the 1MB+EUCL floor rate fixed or does it float?

We addressed these two questions in Resolutions Nos. T-13091 (New York Life Centrex Contract) and T-13092 (Dean Witter Reynolds, Inc. Centrex Contract), both dated September 7, 1989. With regard to the first question we determined that revenues from nonrecurring charges must be excluded from the contract rate before comparing the contract rate to the 1MB+EUCL. With regard to the second question we determined that as the 1MB+EUCL floor rate changes during the life of the contract, the contract rate may have to be adjusted so that at no time will the contract monthly rate per line excluding nonrecurring charges be lower than the then current 1MB+EUCL. The purpose of such rate adjustments is to provide for a level playing field between the Centrex rates offered under a customer specific contract and the rates for 1MBs as well as PBX trunks, which are the principle competitive services for Centrex.

In Resolution No. T-13069 (Great Western Centrex Contract), we adopted an alternative means of providing a level playing field based on the premise that a contract rate which is subject to change may not meet the needs of customers. This alternative requires Pacific to offer to provide the customer deaveraged PBX trunk rates under contract, with rates determined by the same cost methodology used to determine the contract Centrex line rates. This requirement to offer to provide deaveraged PBX trunk rates applies to all Centrex contracts signed on or after May 26, 1989 which provide for fixed Centrex contract rates. The City of Livermore contract was signed after May 26, 1989; Pacific has fulfilled this requirement by offering to provide the customer deaveraged PBX trunk rates under contract.

FINDINGS

1. On January 26, 1990, Pacific Bell filed Advice Letter No. 15669 requesting Commission authorization to provide Centrex service to the City of Livermore under a customer specific contract.
2. Appendix A of D.88-09-059 and G.O. 96-A set forth certain requirements for the filing of advice letters requesting authorization of customer specific contracts.
3. Advice Letter No. 15669 (Advice Letter) conforms to the requirements of Appendix A of D.88-09-059 and G.O. 96-A.
 - a. The City of Livermore contract states that the contract will not become effective until authorized by the Commission.
 - b. The Advice Letter and the City of Livermore contract are public documents.

- c. Pacific requests in the Advice Letter that the workpapers and supporting cost documentation associated with the contract be treated as confidential.
 - d. Pacific has offered the parties to the Phase I Settlement in I.87-11-033 the opportunity to receive and review the workpapers and supporting documentation associated with the contract if such a party (except DRA) first enters into a protective agreement.
 - e. The contract provides for the offering of Centrex service which is an appropriate service for offering under a contractual arrangement.
 - f. The rates and charges set forth in the contract cover the cost of providing the Centrex service offered under the terms of the contract.
 - g. The methodology used by Pacific to develop the costs of providing Centrex service to the City of Livermore under the terms of the contract are based on the direct embedded methodology.
 - h. The monthly rate per line (excluding nonrecurring charges) for Centrex service for the City of Livermore under the terms of the contract is not lower than the sum of the present one-party business measured service rate and the multi-line End User Common Line charge per month per line (1MB+EUCL).
 - i. The Advice Letter indicates that the costs and revenues associated with the provision of Centrex service to the City of Livermore under the terms of the contract will be tracked.
 - j. A contract is required for the City of Livermore because the customer requires a fixed price contract that is competitive with PBX alternatives; this requirement cannot be met by the Centrex service available under Pacific's present tariff.
4. Before comparing the contract rate to the 1MB+EUCL the nonrecurring charge must first be excluded.
 5. Authorization of the City of Livermore contract will result in an estimated decrease in Pacific's annual revenue of \$9,041 during the life of the contract.
 6. Commission approval of the City of Livermore contract is based on the specifics of the contract; Commission authorization of the Advice Letter and the City of Livermore contract does not establish precedents for the contents of these filings or for Commission approval of similar requests.

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7. The rates, charges, terms and conditions of the contractual service authorized in this Resolution are just and reasonable.

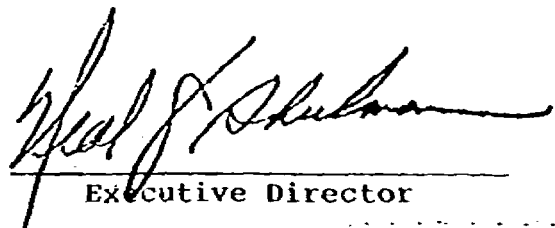
THEREFORE, IT IS ORDERED that:

- (1) Authority is granted to make the above Advice Letter and contract effective on February 24, 1990.
- (2) The Advice Letter and contract authorized herein shall be marked to show that the Advice Letter and associated tariff sheets were authorized under Resolution of the Public Utilities Commission of the State of California No. T-14055.

The effective date of this Resolution is today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on February 23, 1990. The following Commissioners approved it:

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


Executive Director