

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Advisory & Compliance Division
Telecommunications Branch

RESOLUTION T-14059*
April 11, 1990

R E S O L U T I O N

RESOLUTION T-14059. RESOLUTION ESTABLISHING AN ANNUAL BUDGET FOR THE YEAR 1990 TO PROVIDE FOR DEAF AND DISABLED TELECOMMUNICATIONS EQUIPMENT AND SERVICE PROGRAMS (PU CODE SECTION 2881 AND FOLLOWING) PURSUANT TO DECISION NO. 89-05-060.

BY COMPLIANCE FILING MADE BY DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM ADMINISTRATIVE COMMITTEE DATED NOVEMBER 8, 1989, IN INVESTIGATION NO. 87-11-031.

SUMMARY

By this Resolution, the Commission adopts an annual budget for the year 1990 of \$31,684,701 to provide for telecommunications equipment and services to the deaf and disabled pursuant to Section 2881 and following of the Public Utilities Code.

Decision 89-05-060, May 26, 1989, established the Commission review process for the proposed 1990 budget submitted by the Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC) in Investigation 87-11-031 on November 8, 1989. Copies of the proposed 1990 budget were served on interested parties to I.87-11-031 by the DDTPAC on October 30, 1989.

Submittals on the proposed budget were made by the Commission's Division of Ratepayer Advocates, Pacific Bell, GTE California, Inc., and the California Association of the Deaf.

We reduce the budget as submitted by the DDTPAC. This authorization does not imply that the expense amounts submitted in the proposed budget should be incurred, but only that they must not be exceeded without further authorization from the Commission upon request by the DDTPAC. The DDTPAC and the operating companies are ordered to continue efforts to control program costs and improve program efficiencies.

BACKGROUND

In our Decision No. 89-05-060, we discussed the issue of an appropriate process for review of the Deaf and Disabled Telecommunications Program annual budget. Participants in our Investigation No. 87-11-031 recommended a process for filing and review by Resolution of proposed annual budgets submitted by the DDTPAC. We ordered that until we adopt a final budget approval process, annual budgets from the DDTPAC would be approved by Resolution according to the schedule described in the discussion.

On November 8, 1989, the DDTPAC filed its proposed annual budget for the 1990 year; copies of the proposed budget were sent to all interested parties to the Investigation on October 30, 1989. A copy of the DDTPAC proposed annual budget is attached as Appendix A to this Resolution.

Comments on the proposed budget were received from the Division of Ratepayer Advocates and the California Association of the Deaf. Response to the DRA Comments was made by GTE California, Inc., and Reply Comments to DRA Comments were submitted by Pacific Bell and the California Association of the Deaf.

DISCUSSION

Disagreement between DRA and other parties responding exists over projections of program growth or demand. Dispute over confidentiality of proprietary information regarding utilities' costs for services and equipment supplied the programs is apparent between the Committee and some utilities, and the DRA and some respondents.

DRA suggests a 1990 budget as follows:

Program	DDTPAC	DRA	Difference
SB597	\$ 4,871,669	\$ 4,871,669	\$ 0
SB244	\$21,696,200	\$17,230,106	(\$4,466,094)
SB60	\$ 6,678,162	\$ 5,814,586	(\$ 863,576)
Admin	\$ 1,110,255	\$ 1,096,755	(\$ 13,500)
<u>Total</u>	<u>\$34,356,286</u>	<u>\$29,013,116</u>	<u>(\$5,343,170)</u>

DRA recommends that the Committee members sign non-disclosure agreements with all program service or equipment vendors. Pacific Bell does not believe this measure would be appropriate or necessary. Disagreement between the relay service provider and the Committee over access to cost support information has led to an abandonment of efforts we wished to see for negotiation of a relay service contract prior to implementation of competitive bidding for relay service provision. The Committee instead anticipates issuing Request for Proposal (RFP) for provision of relay service and the establishment of competitive bidding for future relay service.

We note, too, that the Committee itself is undecided on its own role in reviewing and approving claims for expense reimbursement from utilities. In our order D.89-05-060, we required the DDTPAC to submit its proposed expense approval process for our review and approval. The Committee has submitted its proposed expense approval process, but at this time states that the Committee only reviews expense claims for accuracy, and is undecided on its role for reviewing expense claims for reasonableness and prudence. It requests that the Commission clarify the DDTPAC's role in the matter of the Committee's authority and responsibilities. We recall that petitions to modify our past resolutions T-13035 and T-13039, which consider these issues, are still outstanding.

We are concerned about these matters. Much effort and expense has gone into establishing the Administrative and Advisory Committees, and capable people have volunteered to serve. We had anticipated interest and assistance from the many utility and community representatives serving on the Committees in order to make the services and equipment provided subscribers through the programs more cost-effective and affordable to the ratepayers. We have asked the Committees to help us investigate and implement comprehensive relay cost-saving measures recommended by the State Auditor General.

To continue the programs in effect without drastic changes we will adopt a reduced budget closer to that submitted by the DDTPAC (Appendix A). We reduce the proposed budget submitted by the DDTPAC by the amount \$2,671,585; this amount is one half the difference between the amount proposed by the DDTPAC and the budget suggested by DRA.

We expect, as supported by Pacific Bell's own comments, that the program budget should be regarded as a guide to determine the surcharge level and as a guide for policy decisions by the DDTPAC and the Commission. The budget will serve as a spending cap, but budgeted items should not be viewed as spending levels which must be reached. We are heartened by DDTPAC's recent report that total expenses for the programs are running about \$2 million under budget (February 20, 1990).

We have recognized in the past that utilities recover tariffed prices as "costs incurred" for services provided the program when such services are also provided other customers under tariff. Such tariffed prices may continue to be charged the Trust, unless they are provided by contract between the utility and the DDTPAC in accordance with our General Order 96-A, Section X.A. We anticipate successful conclusion of the Committee's development of an RFP for award of relay service provision by competitive bidding. We will have the Committee notify the Commission's Executive Director by December 31, 1990, regarding the status of such a competitive bidding process.

As for remaining disputed issues, namely:

- 1) Reasonableness and Prudence responsibilities of the DDTPAC.
- 2) Non-Disclosure requirements and authority limits of the DDTPAC.
- 3) Related issues raised in Petitions to Modify Commission Resolutions T-13035/T-13039.,

we will address these more fully in an Order Modifying Resolutions No. T-13035 and T-13039.

The California Association of the Deaf (CAD) in its comments on the budget raised issues of public pay telephone Telecommunication Devices for the Deaf (TDDs) and provision of interstate relay service through the California Relay Service. We do not act on these issues at this time, but invite CAD or any other interested party to pursue these issues by petitioning to modify our earlier decisions on these matters.

FINDINGS

1. The proposed 1990 year annual budget of \$34,356,286 submitted by the DDTPAC (Appendix A) is reduced to \$31,684,701.
2. The approved budget serves as a spending cap and not a requirement to spend at that level.
3. Tariffed prices for services supplied by the utilities for the programs have and may continue to be charged the Trust to recover costs incurred. Such services may also be provided by contract in accordance with our General Order 96-A.
4. Disputed issues concerning duties and responsibilities of the DDTPAC remain and will be addressed in an Order Modifying Resolutions T-13035 and T-13039.

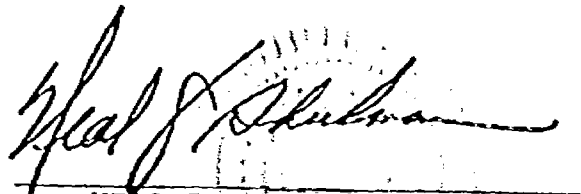
THEREFORE, IT IS ORDERED that:

1. A 1990 Annual Budget of \$31,684,701 be adopted for the Deaf and Disabled Telecommunications Programs.
2. The DDTPAC advise the Commission's Executive Director by December 31, 1990, concerning the status of implementation of a competitive bidding process for provision of relay services.
3. The Executive Director provide a copy of this Resolution to the interested parties in our Investigation No. 87-11-031.

April 11, 1990

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on April 11, 1990. The following Commissioners approved it:

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


NEAL J. SHULMAN
Executive Director

APPENDIX A - Resolution T-14059

Proposed 1990 Deaf and Disabled Telecommunications Program
Budget

November 8, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
motion to determine the feasibility
of implementing New Funding Sources
and Program Reductions in the Deaf
and Disabled Program Pursuant to
Section 2881 of the Public Utilities
Code.

I. 87-11-031

In compliance with Commission Decision 89-05-060, attached is the proposed 1990 Deaf and Disabled Telecommunications Program Budget. The attached budget was initially sent to all interested parties on October 30, 1989.

It is requested that the schedule for filing comments on the proposed program budget begin today, November 8, 1989, rather than the date of the original mailing.

Respectfully Submitted,



Monica McCrary,
Vice Chair, Deaf and Disabled
Telecommunications Program
Administrative Committee

505 Van Ness Avenue
San Francisco, CA 94102

DATED: November 8, 1989

Deaf and Disabled Telecommunications Program Administrative Committee

October 30, 1989

Mr. Wesley Franklin
Acting Executive Director
Public Utilities Commission
State of California
505 Van Ness Avenue
San Francisco, CA 94102

Dear Mr. Franklin:

Attached is the 1990 Deaf and Disabled Telecommunications Program Budget. As discussed in Decision 89-05-060, the Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC) is responsible for reviewing and compiling the proposed utility budgets as well as its own administrative budget for formal submission to the Commission for approval. The DDTPAC's review should determine compliance with DDTPAC budget procedures, funding availability, and consistency with program policy as approved by the Commission. The DDTPAC should also develop formal recommendations as to action the DDTPAC proposes the Commission take on the proposed annual budget.

The DDTPAC has compiled the proposed budgets and has reviewed the budgets for compliance with budget procedures, funding availability, and consistency with program policy. The Committee has not, however, developed formal recommendations as to action the Commission should take on the proposed budget. Due to the only recent appointment of the Committee members, the DDTPAC did not have adequate time and resources available to investigate its concerns and to formulate recommendations on the proposed budget.

While DDTPAC was unable to develop specific recommendation, the following concerns were noted:

1. The budget, as presented, shows increases, over 1989 costs, of 13% for SB 597, 33% for SB 244, and 18% for SB 60. The 1990 budget has been compared to projected 1989 costs using five months of actual data and seven months of budgeted data. Since the programs have been running under budget in 1989, the actual increase in the 1990 budget over 1989 costs are much higher if eight months of actuals are annualized.
2. The utilities' budgets include a 15% to 20% increase for outreach activities. While the DDTPAC sees outreach as a crucial part of any program budget, the 1990 budget does not

provided sufficient detail on outreach activities. In addition, the utilities have not tracked 1989 outreach costs for use as verification that the dollars budgeted for outreach in 1989 were in fact spent on outreach.


3. The utilities' budgets lack sufficient detail on Employee Salaries and Wages. The DDTPAC believes that this line item should be further broken down by employee function (e.g. administrative, direct services, outreach, etc.).
4. The DDTPAC is in the process of negotiating a contract with AT&T for the California Relay Service (CRS). Since AT&T's proposed contract is based on a price per call handled, a fixed budget amount is not available. AT&T has provided the DDTPAC with an estimate of 1990 CRS costs; however, AT&T has not provided the DDTPAC with the supporting cost data it requested, thus the DDTPAC cannot address the budget estimate.

This list of the DDTPAC's concerns is provided to help facilitate other interested parties in reviewing the proposed program budget. Due to the limited time available for interested parties to review the proposed 1990 budget, the DDTPAC urges the utilities to provide supporting data to parties requesting it as quickly as possible.

In closing, the DDTPAC would like to assure the Commission that the DDTPAC is not abdicating its responsibility of making formal recommendations on the program budget. The action taken during the 1990 budget review process is a result of the time constraints imposed on the Committee for the 1990 budget year. The DDTPAC will have staff hired and trained to review the 1991 budget and will develop formal recommendations on future program budgets.

If you have any questions, please call me at (714) 782-6528 (TDD) or (714) 782-6530 (Voice).

Sincerely,



For Gerald Burstein
Chairman, DDTPAC

Attachment

cc: DDTPAC Members
All Interested Parties in I.87-11-031

1990

**DEAF AND DISABLED TELECOMMUNICATIONS PROGRAM
CONSOLIDATED BUDGET**

	A	B	C	D
	1989 BUDGET	1989 ACT/EST	1990 BUDGET	Col C / Col B
UNENCUMBERED FUNDS- BEGIN	2,797,164	8,167,191	20,211,122	247%
<i>RECEIPTS</i>				
Surcharges	40,611,991	37,285,728	33,092,387	69%
Toll Revenues	330,379	270,918	325,102	120%
Interest	700,000	1,102,068	1,600,000	145%
TOTAL RECEIPTS	41,642,370	38,658,714	35,017,489	91%
TOTAL FUNDS AVAILABLE	44,439,534	46,825,905	55,228,611	118%
<i>TELCO EXPENSE</i>				
SB 597	4,568,040	4,300,346	4,871,669	113%
SB 244	17,224,803	16,280,198	21,696,200	133%
SB 60	5,814,566	5,644,714	6,678,162	118%
TOTAL TELCO EXPENSE	27,607,429	26,225,258	33,246,031	127%
<i>ADMINISTRATIVE EXPENSE</i>				
Trustee	32,000	35,000	51,750	148%
Legal	24,000	26,577	26,577	100%
Audit	20,000	19,612	46,000	235%
Investment Advisor			20,000	
Insurance	75,000	75,336	75,336	100%
DDTPAC & Staff	200,000	201,000	213,500	106%
EPAC	16,000	9,000	9,000	100%
CRSAC	16,000	3,000	9,000	300%
Consultants			40,000	
Contingencies	20,000	20,000	547,092	2735%
Interpreter Services			72,000	
TOTAL ADMIN EXPENSE	403,000	389,525	1,110,255	285%
TOTAL EXPENSE	28,010,429	26,614,783	34,356,286	129%
UNENCUMBERED FUNDS - END	16,429,105	20,211,122	20,872,325	103%

NOTES and ASSUMPTIONS:

- 1) Surcharge estimate provided by CACD is based on .3% surcharge.
- 2) Actual/Estimated expenses for DDTPAC staff support incurred by Pacific Bell in 1989 under SB 597, are reclassified here as DDTPAC expenses for comparative purposes.
- 3) Estimated Expenses for SB 244 in 1990 include \$196,200 accounting expense for Pacific Bell.
- 4) SB 244 estimate for 1990 subject to contract negotiations between AT&T and DDTPAC.
- 5) Telco contingent items included in administrative budget as Contingencies.

DOTPAC

*Annual Budget for Equipment and Services Provided
to the Deaf and Severely Hearing Impaired Under SB 597
For the Year 1990*

	AT&T	PACIFIC	GTE	CTA	INDEP	TOTAL
EQUIPMENT PURCHASES (includes costs associated with equipment purchases)						
1. TOTAL EQUIPMENT PURCHASES	0	931,283	523,655	20,000	0	1,474,938
EQUIPMENT EXPENSE (includes costs associated with equipment handling)						
2. Warehousing		0	0	1,136	0	1,136
3. Distribution		16,333	140,138	1,080	0	157,551
4. Maintenance and Repair		287,101	101,541	6,300	0	394,942
5. TOTAL EQUIPMENT EXPENSE	0	303,434	241,679	8,516	0	553,629
LABOR AND EXPENSE (includes costs associated with customer service)						
6. Employee Salaries & Wages		645,588	93,685	3,698	11,450	742,971
7. Benefit & Overhead Loadings		518,455	70,265	1,840	1,682	590,560
8. Contract / Agency Labor		6,801	159,949	21,520	0	188,270
9. Other Expense		318,383	299,763	13,600	1,816	631,751
10. Operator Services for the Deaf	516,000					516,000
11. TOTAL LABCR AND EXPENSE	516,000	1,489,227	623,667	40,658	14,948	2,684,500
ADMINISTRATIVE EXPENSE (includes indirect program costs)						
12. Accounting		39,461	47,479	4,458	15,938	91,398
13. Trust Activities		0	0	0	0	0
14. Other Costs			34,000	12,060	5,206	46,060
15. TOTAL ADMIN EXPENSE	0	39,461	81,479	16,518	21,144	158,602
16. Adjustments						
17. TOTAL EXPENSE (due from Trust)	516,000	2,763,405	1,470,480	85,692	36,092	4,871,669

NOTES and ASSUMPTIONS:

- 1) CTA will purchase, distribute and repair equipment for all small independent companies in 1990.
- 2) Estimate for Operator Services for the Deaf is subject to contract negotiations between AT&T and DOTPAC.
- 3) Independent company expense estimated by Trust staff based on 1989 ACT/EST plus 20% growth.
- 4) Pacific Bell contingency for purchase of replacement TDDs included in administrative expense budget.

DDTPAC

*Annual Budget for Equipment and Services Provided
to the Disabled Under SB 60
For the Year 1990*

	AT&T	PACIFIC	GTE	CTA	INDEP	TOTAL
EQUIPMENT PURCHASES						
1. TOTAL EQUIPMENT PURCHASES	0	1,297,462	1,011,107	72,809	0	2,381,378
NETWORK SERVICES						
2. TOTAL NETWORK SERVICES	0	514,988	287,425	0	9,523	811,936
EQUIPMENT EXPENSE (includes costs associated with equipment handling)						
3. Warehousing				1,704		1,704
4. Distribution		60,427	250,711	9,000		340,138
5. Maintenance and Repair		38,364	48,919	6,000		93,283
6. TOTAL EQUIPMENT EXPENSE	0	118,791	299,630	16,704	0	435,125
LABOR AND EXPENSE (includes costs associated with customer service)						
7. Employee Salaries & Wages		968,383	143,509	5,547	47,143	1,117,439
8. Benefit & Overhead Loadings		777,682	107,633	2,761	8,536	888,076
9. Contract / Agency Labor		10,201	230,924	32,280	96	273,405
10. Other Expense		477,576	200	20,400	2,400	498,176
11. TOTAL LABOR AND EXPENSE	0	2,233,842	482,266	60,988	53,175	2,835,271
ADMINISTRATIVE EXPENSE (includes indirect program costs)						
12. Accounting		127,098	57,477	6,686	12,288	191,261
13. Other Costs				6,840	4,063	6,840
14. TOTAL ADMIN EXPENSE	0	127,098	57,477	13,526	16,351	214,452
15. Adjustments						
16. TOTAL EXPENSE (due from Trust)	0	4,292,181	2,137,905	164,027	84,049	6,678,162

NOTES and ASSUMPTIONS:

- 1) CTA will purchase, distribute and repair equipment for all small independent companies in 1990.
- 2) Independent Company expense estimated by Trust staff based on 1989 ACT/EST plus 20% growth.
- 3) GTEC contingency for purchase of new artificial larynx included in administrative expense budget.



755 Folsom Street
San Francisco, California 94107
(415) 442-2600

August 24, 1989

Mr. John Mott, Chairman
D.E.A.F. Trust Administrative Committee
140 New Montgomery, Room 2410
San Francisco, CA 94105

Dear Mr. Mott:

Following are AT&T's current estimates of expenses for operations of the California Relay Service (CRS) and the Operator Services for the Deaf (OSD) programs for 1990. The CRS budget amount reflects service enhancements and a need to add a growth office for relay services as a result of continuing increases in volumes.

1990 Budget Amounts	
CRS:	\$21,500,000
OSD:	\$ 516,000
Total:	\$22,016,000

As you know, beginning September 14, 1989 AT&T will meet with the Deaf and Disabled Telecommunications Program Administrative Committee to begin negotiations on a contract for provision of services at the CRS. The final expense estimate for relay services in 1990 is subject to the outcome of those negotiations.

If there are any questions, please call me on 442-2168.

Sincerely,

A handwritten signature in cursive script that reads "Carole Hansen".

Carole Hansen, Manager
California Regulatory Operations

cc: DDTPAC members

23-Oct-89

DDTPAC
1990 BUDGET WORKPAPERS
ADMINISTRATIVE EXPENSE

LINE ITEM	1990 BUDGET	BASIS
TOLL REVENUE	\$325,102	1989 ACT/EST = \$270,918 x 120% = \$325,102
INTEREST	\$1,600,000	1990 Av Bal = \$20,000,000 x 8% = \$1,600,000
AUDIT	\$46,000	new contract includes revenue side audit for 300 telcos
INVESTMENT ADVISOR	\$20,000	estimate only
TRUSTEE	\$51,750	Per B of A @ 20 million average balance
LEGAL	\$26,577	no change from 1989
INSURANCE	\$75,336	no change from 1989
ESAC EXPENSES	\$9,000	includes travel, meals and lodging for consumer members.
CRSAC EXPENSES	\$9,000	includes travel, meals and lodging for consumer members
	\$84,960	GTE, SB 60. New Artificial Larynx
	\$435,132	Pacific Bell, SB 597. Purchase of replacement TDDs
	\$27,000	5% of administrative expense, rounded
TOTAL CONTINGENCIES	547,092	
CONSULTANT FEES	\$40,000	2 consulting contracts (e.g., customer surveys and CRS consultant)
INTERPRETER SERVICES	\$72,000	\$2,000 per month per committee

DDTPAC
1990 BUDGET WORKPAPERS
ADMINISTRATIVE EXPENSE

23-Oct-89

<i>DDTPAC EXPENSES</i>	<i>1990 BUDGET</i>	<i>BASIS</i>
INDEPENDENT STAFF		
EXEC DIRECTOR		
SALARY	\$50,000	estimate only
BENEFITS	\$10,000	20% salary
OTHER EXP	\$5,000	10% salary
STAFF ACCT		
SALARY	\$35,000	estimate only
BENEFITS	\$7,000	20% salary
OTHER EXP	\$3,500	10% salary
ADMIN ASST		
SALARY	\$20,000	estimate only
BENEFITS	\$4,000	20% salary
OTHER EXP	\$2,000	10% salary
FURN & OFF EQUIP		
3 COMPUTERS	\$12,000	\$4000 each
3 DESKS, CHAIRS, ETC.	\$6,000	\$2000 each
1 CONF ROOM	\$3,000	Table and chairs for meetings
REAL ESTATE	\$20,000	800 sq. ft @ \$25 ft.
POST & TELEPHONE	\$6,000	estimate only
PRINT & STATIONARY	\$15,000	includes annual report
ELECTRONIC MAIL	\$6,000	International Deaf Tek system
PUBLIC MEMBER EXP	\$9,000	includes travel, meals and lodging
TOTAL DDTPAC	\$213,500	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all known parties of record in this proceeding by mailing by first-class a copy thereof properly addressed to each party.

Dated at San Francisco, California, this 8th day of November 1989.



Monica McCrary

I.87-11-031

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