

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14107
July 18, 1990

R E S O L U T I O N

RESOLUTION T-14107. REQUEST BY PACIFIC BELL TO WITHDRAW THE OFFERING OF ADDRESS AND ZIP CODE INFORMATION FROM THE OPERATOR REFERRAL SERVICE OPTION OF NUMBER REFERRAL SERVICE.

BY ADVICE LETTER 15691, FILED ON FEBRUARY 20, 1990.

SUMMARY

This resolution authorizes Pacific Bell's Advice Letter 15691, filed February 20, 1990, which requests authority to withdraw the offering of address and zip code information from the Operator Referral Service option of the Number Referral Service. This request for withdrawal of service is due to a 1989 opinion of the U.S. Department of Justice regarding the Consent Decree (Modified Final Judgement).

Nine existing customers of this service were notified by phone that the address information option of this service was to be discontinued and there were no customer objections.

BACKGROUND

Pacific Bell's (Pacific) Advice Letter 15691 proposes to withdraw the offering of address and zip code information from the Operator Referral Service option of the Number Referral Service.

Number Referral Service is a central office optional intercept arrangement for diversion of calls to a number which is no longer in service. Included in Number Referral Service are options which include:

- 1) Basic Referral Service. An automated announcement system repeats the called number, provides the status of the called number, why the call was not connected, and what can be done to reach the called party.
- 2) Operator Referral Service. A Number Referral Service Operator provides the calling party with information about the called number that cannot be automated or placed on a generic recorded announcement. The operator asks what number was called and provides referral information in accordance with the called party's instructions.

- 3) No Referral Service. An automated announcement states that the called number has been disconnected. No further information is provided about the called number.

For each number referred, the following information is provided:

- A) Basic Referral Service - one new number only will be provided.
- B) Operator Referral Service - up to 5 names, addresses and telephone numbers will be provided.

The Operator Referral Service option of Number Referral Service has been in effect since August of 1986. The current rates for this service are \$45 per month for business customers and \$35 per three-month period for residence customers. Of 17,000 Operator Referrals annually, Pacific reports that less than 3.5 percent include address information.

PROTESTS

The Commission Advisory and Compliance Division (CACD) has received no protests to Advice Letter No. 15691.

DISCUSSION

Pacific states that a 1989 opinion by the Department of Justice makes its offering of address and zip code information in the Operator Referral Service option of Number Referral Service a violation of the Modified Final Judgment (MFJ). The MFJ prohibits the Bell Operating Companies (BOCs) from providing information services, defined as:

"the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information which may be conveyed via telecommunications, except that such service does not include any use of any such capacity for the management, control, or operation of a telecommunication system or the management of a telecommunication service." 1/

1 United States v. American Tel. and Tel. Co., 552 F. Supp. 131 (D.D.C. 1982), aff'd mem. sub nom. Maryland v. United States, 460 U.S. 1001 (1983) (MFJ of decree) S II(D) (1), 552 F. Supp. at 227.

In a January 31, 1989 letter the U.S. Department of Justice Antitrust Division stated that:

"Providing address information over the telephone constitutes a prohibited information service because the BOC is storing and retrieving the address information and making it available via telecommunications. The Department has concluded that the provision of telephone number information by directory assistance operators does not fall within the information services prohibition, however, because, like publication printed white pages directories, it is part of the local telecommunication service that the decree allows the BOCs to provide without a waiver."^{2/}

Pacific believes that to continue to offer this service without a waiver from the Decree Court would be in violation of the MFJ, and therefore proposes to withdraw the provision of address and zip code information from the Operator Referral Service option of Number Referral Service. The Decree Court has previously granted a waiver to one BOC. ^{3/} Pacific has chosen not to seek a waiver to continue to offer address and zip code information.

Pacific states that the withdrawal of the address information portion of this offering will have a minimal affect on the total offering.

Pacific reports that nine existing customers were notified by telephone that the provision of address and zip code information was to be discontinued and there were no objections.

FINDINGS

1. Pacific Bell currently provides address and zip code information in its Operator Referral Service option of Number Referral Service.

2. The U.S. Justice Department has found that:

"Providing address information over the telephone constitutes a prohibited information service because the BOC is storing and retrieving the address information and making it available via telecommunications."

² Letter from Barry Grossman, Chief, Communication and Finance Section to Michael D. Swanson National President United Organization of Persons with Disabilities. January 31, 1989. p.2

³ United States v. Western Electric Company, Inc., Civil Action No. 82-0192, Memorandum filed February 6, 1989, United States District Court for the District of Columbia.

3. Pacific has chosen not to seek a waiver to continue to offer the address and zip code information within the Operator Referral Service option of Number Referral Service.

4. Pacific reports that nine existing customers were notified by telephone that this service was to be discontinued and there were no objections.

5. Pacific's proposed withdrawal of address and zip code information from the Operator Referral Service option of Number Referral Service is just and reasonable, given the finding of the U.S. Department of Justice.

THEREFORE, IT IS ORDERED that:

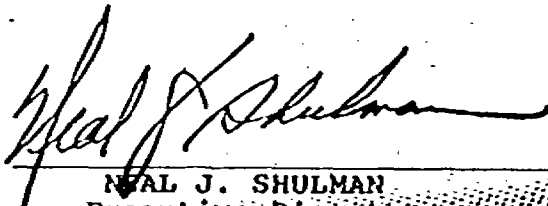
1. Pacific Bell's request for withdrawal of address and zip code information from the Operator Referral Service option of Number Referral Service is authorized.

2. Advice Letter No. 15691 and the accompanying tariff sheets shall be marked to show that they were authorized by this resolution and its effective date.

3. This resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on July 18, 1990. The following Commissioners approved it:

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


NEAL J. SHULMAN
Executive Director