

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications BranchRESOLUTION NO. T-14192
December 19, 1990

R E S O L U T I O N

RESOLUTION T-14192. PACIFIC BELL. ORDER ADDRESSING
PACIFIC BELL'S ADVICE LETTER NO. 15765 TO REVISE ITS TARIFF
SCHEDULES FOR PRIVATE LINE SERVICES.

SUMMARY

By Advice Letter No. 15765, filed on June 25, 1990, Pacific Bell (Pacific) requests Commission authority to revise its tariff schedules for Private Line Services for clarification. This resolution approves Pacific's Advice Letter and denies the protests filed by Telecom Services Limited and API Alarm Systems.

BACKGROUND

Pacific filed Advice Letter No. 15765 on June 25, 1990 to revise its tariff schedules for Private Line Services. Pacific proposes to add definitions and additional language in order to eliminate any possibility of misinterpretation of the tariff regarding how rates are applied for mileage and channel terminals. Pacific also proposes to revise the format of some of the rate tables within Schedule B3 to allow those series types with the same rates to appear in one place instead of on several different pages. In addition, Pacific proposes to revise the header for Schedule B3 from "B3. Channels" to "B3. Analog Services" to clearly identify what is contained within the B3 Schedule. Pacific claims that the integrity of the information has been maintained. There is no revenue impact.

PROTESTS

On July 12, 1990, Telecom Services Limited, Inc. (TSL) filed a protest opposing Advice Letter No. 15765. A second protest was filed by API Alarm Systems (API) on July 16, 1990. Pacific responded to TSL's protest on July 20, 1990 and API's protest on July 26, 1990. TSL made an additional filing to Pacific's response on August 2, 1990.

Pacific filed Supplemental Advice Letter No. 15765A on July 30, 1990 to revise verbiage and make corrections to Advice Letter No. 15765. Pacific also requests that the effective date of the Advice Letter be changed to September 26, 1990.

On September 25, 1990, Pacific filed Supplemental Advice Letter No. 15765B requesting that a resolution be issued and that the effective date be changed to November 10, 1990.

In their protests, both TSL and API claim that Pacific has been billing private line services contrary to what is clearly specified in the tariff. The protestants claim that Pacific is attempting to modify its tariff by Advice Letter No. 15765 to support its current billing practice when instead Pacific should be developing billing practices to comply with its tariff.

Specifically, both TSL and API object to Pacific applying the higher interexchange rate to all two-point sections of a multipoint circuit when any section of that circuit crosses an exchange boundary. According to TSL, this is Pacific's current billing practice.

Both TSL and API believe that Pacific's current tariff clearly states that a two-point section of a multipoint circuit that is within an exchange must be billed at the lower intraexchange rate.

In its response, Pacific states that it has always billed private line services in accordance to its tariff. The language Pacific is adding to its tariff by Advice Letter No. 15765 is only to clarify Pacific's existing authorized billing practice and to eliminate any possible opportunity for misinterpretation of the tariff. Pacific claims that it is not altering or modifying its tariff in any way.

API also points out in its protest that there are redundancies and typographical errors in portions of Pacific's proposed tariff. Pacific filed Supplemental Advice Letter No. 15765A to correct errors.

DISCUSSION

Pacific's private line tariffs provide for two sets of mileage and channel terminal rates - one set for interdistrict/interexchange mileage, and another lower set of rates for intradistrict/intraexchange mileage. Pacific asserts that once any segment of a private line circuit crosses an exchange boundary, it is classified as an interexchange circuit and the entire circuit is priced out at the higher interexchange mileage rate. Both TSL and API assert that each segment of a private line circuit should be classified independently and that the lower mileage rate continues to apply to the segments of the circuit located entirely intraexchange.

API has raised these same issues in its Complaint Case No. (C.) 89-02-018 against Pacific, contending that Pacific has misapplied its tariff. However, upon written request of complainant and defendant, the case was dismissed with prejudice by Decision No. (D.) 90-04-036, issued on April 24, 1990.

The Commission issued D. 90-05-091 on May 22, 1990 in connection with C. 87-06-022, API's complaint case against General Telephone Company of California (GTEC). On Page 19 of that decision, when discussing private line intracompany interexchange mileage measurement, the decision states that:

"D.90-02-050 authorized GTEC to implement intracompany inter-wire center rate concepts within its exchanges and between its exchanges. When any part of the circuit goes to

serve a customer in another exchange (interexchange) then the entire circuit is priced at GTEC's higher interexchange rate.⁷

⁷ DRA's witness Richard Shankey in A.87-01-002 (Tr. 7367-7368) recommended that the higher interexchange rate of \$5 per mile be applied to all portions of an interexchange circuit including those parts of the circuit which are within a given exchange. Although Western Burglar and Fire Alarm Association argued against the use of the higher interexchange rate for portions of GTEC interexchange private line circuits which were wholly intraexchange, DRA's recommendation was adopted by D.90-02-050."

The above discussion clearly specifies how private line mileage should be rated. Pacific's administering of its tariff is in accordance with that specification. It is clearly the duty and obligation of a utility to clarify any ambiguous language in its tariff schedules. It is appropriate for Pacific to file a timely advice letter clarifying any ambiguity in its filed tariff schedules so that no further misinterpretation can occur. Advice Letter No. 15765 shall therefore be approved.

FINDINGS

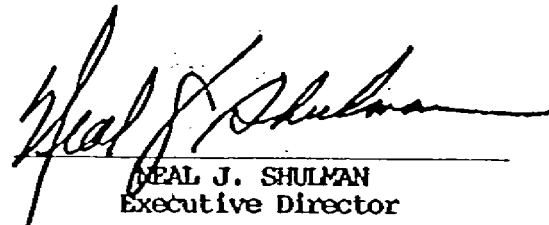
- (1) D. 90-05-091 clearly specifies how private line mileage should be rated.
- (2) Pacific's administering of its tariff has been proper.
- (3) It is appropriate for Pacific to file a timely advice letter to eliminate any ambiguity and to avoid further misinterpretation.

IT IS ORDERED that:

- (1) Protests by Telecom Services Limited and API Alarm Systems are denied.
- (2) All tariff sheets filed under Advice Letter No. 15710 and its supplements shall be marked to show that such sheets were authorized by Resolution of the Public Utilities Commission of the State of California No. T-14192.
- (3) The effective date of this resolution is today.

I certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on December 19, 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