

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Advisory and Compliance Division
Telecommunications BranchRESOLUTION T-14282
January 25, 1991R E S O L U T I O N

RESOLUTION T-14282. COMTECH MOBILE TELEPHONE COMPANY.
RESOLUTION ESTABLISHING CELLULAR RADIOTELEPHONE SERVICE
DOWNWARD PRICING FLEXIBILITY PER TEMPORARY TARIFF
AUTHORITY PURSUANT TO ORDERING PARAGRAPH NO. 8 OF DECISION
90-06-025, AS MODIFIED BY DECISION 90-10-047.

BY ADVICE LETTER No. 29, FILED ON DECEMBER 3, 1990.

SUMMARY

This Resolution authorizes Comtech Mobile Telephone Company to exercise downward pricing flexibility to its resale cellular radiotelephone services per Decision 90-06-025, as modified by Decision 90-10-047. This authority allows Comtech Mobile Telephone Company to make temporary tariff filings for reductions which will not impact an average customer's bill by more than ten percent (10%). No protests were received.

BACKGROUND

Decision (D.) 90-06-025, as modified by D.90-10-047, authorized cellular radiotelephone utilities (resellers and facility-based carriers) to make rate reduction tariff filings which will not affect an average customer's bill by more than ten percent (10%). Such offers can be classified as a temporary tariff and made effective on the date filed. According to Ordering Paragraph 8.b.(2) of the modified Decision:

"If a protest is filed, the tariff shall remain a temporary tariff until the protest has been resolved or by order of the Commission; if, within six months of the filing of the temporary tariff, no resolution of the protest takes place and the Commission does not act, the protest shall be deemed denied and the tariff shall be classified as a permanent tariff pursuant to the terms of the tariff provisions."

The Commission requires cellular utilities, prior to making use of such temporary tariff filings, to make annual filings to establish a range of its downward pricing flexibility. The initial filing shall be effective only upon Commission

resolution; subsequent filings to renew this authority shall be through 40-day effective date advice letters.

The Commission also requires that the advice letters requesting temporary tariff authority contain calculations sufficient to support the requested range of flexibility. Utilities can request less than the maximum ten percent of the average customer bill as the allowed range, but must file a further advice letter if they wish later to expand the range. In addition, D.90-06-025 does not permit temporary tariff filings to increase any rate element.

On December 3, 1990, Comtech Mobile Telephone Company (Comtech), a cellular reseller, requested authority to file temporary tariffs authorized by D.90-06-025 by filing Advice Letter No. 29 for its services in the Los Angeles, San Diego, Sacramento, San Francisco/San Jose, Santa Rosa and Salinas Cellular Geographic Service Areas (CGSAs). Comtech submitted certain proprietary information to the Commission Advisory and Compliance Division (CACD), under seal of confidential treatment pursuant to General Order No. 66-C, to support its requested ranges of pricing flexibility.

PROTESTS

No protests were received regarding these filings.

DISCUSSION

In Resolution T-14126, dated September 12, 1990, the first resolution granting temporary tariff filing authority, the Commission encouraged the sharing of supporting information submitted under seal of confidential treatment between parties through a mutually satisfactory nondisclosure agreement. To avoid any further conflict on this issue, we will as a standard procedure provide in our resolution a summary of the methodology of calculation, period used to estimate requested average customer bill, the components of the retail average customer bill, and the range of the average monthly bill.

In determining its monthly retail subscriber bills, Comtech took the total service revenue of each CGSA for the month of November 1990 and divided each by the total number of accounts per CGSA respectively. Comtech's average monthly retail subscriber bill was found to be in the range of \$80 to \$150.

CACD has reviewed the submitted information supporting the requested ranges of downward pricing flexibility and finds them to be sufficient.

January 25, 1991

FINDINGS

- 1.) We find that Comtech has submitted sufficient information and calculations in its Advice Letter No. 29, and associated proprietary submittal to CACD to support its requested ranges of downward pricing flexibility.
- 2.) Temporary tariff filings may not be used to increase any rate element.

THEREFORE, IT IS ORDERED that:

1. Comtech Mobile Telephone Company is authorized to file, as temporary tariffs effective immediately, rate reductions which will not impact an average customer's monthly bill by more than ten percent (10%) at any one time.
2. Such temporary tariff filings shall become permanent pursuant to the conditions established in Ordering Paragraph No. 8 of Commission Decision 90-06-025, as modified by Decision 90-10-047.
3. This temporary tariff authority is valid for the period of one year from the effective date of this Resolution and may be renewed annually by 40-day effective date advice letters.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on January 25, 1991. The following Commissioners approved it:

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners


NEAL J. SHULMAN
Executive Director