

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Advisory and Compliance Division  
Telecommunications BranchRESOLUTION T-14297  
February 6, 1991R E S O L U T I O N

RESOLUTION T-14297. CELLULAR SERVICE, INC. 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. 3, FILED ON DECEMBER 10, 1990.

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SUMMARY

This Resolution authorizes Cellular Service, Inc. 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 Cellular Service, Inc. 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 10, 1990, Cellular Service, Inc. (CSI), a cellular reseller, requested authority to file temporary tariffs authorized by D.90-06-025 by filing Advice Letter No. 23 for its services in Southern California. CSI 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 this filing.

#### 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, CSI took the total service revenues for the month of November 1990 and divided it by the total number of subscribers for that month. CSI's average monthly retail subscriber bill was found to be in the range of \$100 to \$150.

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

#### FINDINGS

- 1.) We find that CSI has submitted sufficient information and calculations in its Advice Letter No. 23, 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. Cellular Service, Inc. 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 February 6, 1991. The following Commissioners approved it:

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



NEAL J. SHULMAN  
Executive Director