

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14337
Telecommunications Branch March 13, 1991

R E S O L U T I O N

RESOLUTION T-14337. PACIFIC BELL. ORDER AUTHORIZING
PACIFIC BELL TO PROVIDE CENTREX SERVICE TO NUTRILITE
PRODUCTS UNDER A CUSTOMER SPECIFIC CONTRACT.

BY ADVICE LETTER NO. 15887, FILED FEBRUARY 13, 1991.

SUMMARY

Pacific Bell (Pacific), by Advice Letter No. 15887, filed February 13, 1991 requests authority under provisions of General Order No. 96-A (G.O. 96-A) and Decision Nos. (D.) 88-09-059 and 91-01-018 to deviate from filed tariff schedules in order to provide Centrex service to Nutrilite Products (Nutrilite) under a customer specific contract. Pacific's Centrex service will replace Nutrilite's existing PBX system.

This Resolution authorizes Pacific to provide Centrex service to Nutrilite under a contract at rates which are discounted from the tariff rates for this service. Pacific estimates the revenue impact of this filing is a increase in annual revenue of \$25,074 for the first year of the contract. No protests to the Advice Letter were filed.

BACKGROUND

In D.88-09-059 the Commission adopted a modified Phase I Settlement (hereinafter referred to as the Settlement). Under the provisions of the Settlement, the Local Exchange Companies (LECs) are allowed to provide certain services, such as Centrex service, under the terms of contracts between LECs and customers. The Settlement provides that such contracts become effective upon authorization by the Commission.

The process and requirements for filing of advice letters to request authorization of customer specific contracts are set forth in Appendix A of D.88-09-059. Additional specifications for advice letter filings requesting authorization to provide Centrex service under contract are provided in Resolution Nos. T-13091 and T-13069.

D.90-04-031 further requires that special contracts comply with the principles of unbundling, nondiscriminatory access, imputation, and basing rate structures of monopoly utility

services on underlying cost structures. However, D.91-01-018 has tempered this requirement until a further decision on this matter is issued. In the interim, LECs may file advice letters for Centrex contracts using the pricing methodology approved by the commission in D.88-09-059.

The contract filed under Advice Letter No. 15887 covers the provision of Centrex service to Nutrilite. Centrex is a central office based communications system equipped with primary station lines capable of receiving direct in-dialed calls and capable of direct out-dialing of calls with optional features.

Under the terms of the contract, Pacific agrees to provide Centrex service to Nutrilite, which currently has a PBX system, with a minimum of 247 lines and associated features for a period of five years at a fixed rate of \$3,591 per month. Nutrilite may elect to add a maximum of 97 growth lines at the monthly rate of \$14.54 per line during the life of the contract. Nonrecurring charges for growth lines will be at the prevailing tariff rate. Pacific indicates that Commission authorization of this contract will result in a increase in annual revenue of \$25,074 for the first year of the contract.

NOTICE/PROTESTS

Pacific states that a copy of the Advice Letter was mailed to competing and adjacent utilities and/or other utilities and to each customer named in the contract.

No protests have been filed on Pacific's Advice Letter No. 15887.

DISCUSSION

In reviewing Advice Letter No. 15887, we note the following.

- a. The contract contains the necessary language which conditions its approval upon Commission authorization.
- b. The Advice Letter and the accompanying contract are public documents.
- c. Pacific requests in the Advice Letter that the workpapers and supporting cost documentation associated with the contract be treated as confidential.
- d. Pacific has offered the parties to the Phase I Settlement in I.87-11-033 the opportunity to receive and review the workpapers and supporting documentation associated with the contract if such a party (Division of Ratepayer Advocates excepted from this requirement) first enters into a protective agreement.

- e. The contract provides for the offering of Centrex service which is an appropriate service for offering under a contractual arrangement.
- f. The rates and charges set forth in the contract cover the direct embedded cost of providing the Centrex service offered under the terms of the contract.
- g. The monthly rate per line, excluding nonrecurring charges, for Centrex service under the terms of the contract is greater than the sum of the present one-party business measured service rate and the multi-line End User Common Line charge per month per line (1MB+EUCL).
- h. The Advice Letter indicates that the costs and revenues associated with the contract will be tracked.
- i. A contract is required in this case because the customer requires a fixed price contract that is competitive with PBX alternatives; this requirement cannot be met by the Centrex service available under Pacific's present tariff.
- j. Pacific has offered to provide the customer deaveraged PBX trunk rates under contract, at rates determined by the same cost methodology used to determine the contract Centrex line rate.

We conclude that the Advice Letter meets the requirements set forth in the previously mentioned Commission orders and G.O. 96-A, and should be approved. However, we must emphasize that our approval is based on the specifics of the Advice Letter and the associated contract, and does not establish a precedent for the contents or for Commission approval of similar requests.

FINDINGS

1. Pacific Bell filed Advice Letter No. 15887 on February 13, 1991 requesting Commission authorization to provide Centrex service to Nutrilite under a customer specific contract.
2. The Advice Letter and the contract conform to the requirements of Decision Nos. 88-09-059 and 91-01-018, Resolutions Nos. T-13069 and T-13091, and G.O. 96-A.
3. Authorization of the Nutrilite contract will result in an estimated increase in Pacific's annual revenue of \$25,074 for the first year of the contract.
4. Commission authorization of the Advice Letter and the Nutrilite contract does not establish a precedent for the contents of the filing, or the Commission approval of similar requests. Commission approval is based on the specifics of the Nutrilite contract.

5. The rates, charges, terms and conditions of the Centrex contractual service in this Resolution are just and reasonable.

THEREFORE, IT IS ORDERED that:

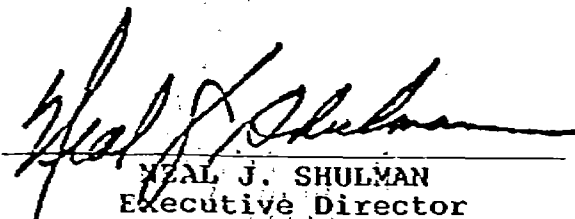
1. Authority is granted to make Advice Letter No. 15887 and the contract between Pacific and Nutrilite effective on March 14, 1991.

2. The Advice Letter, tariff sheets and contract authorized herein shall be marked to show that they were authorized under Resolution of the Public Utilities Commission of the State of California No. T-14337.

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 March 13, 1991. The following Commissioners approved it:

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL WM. FESSLER
NORMAN D. SHUMWAY
Commissioners



YZAL J. SHULMAN
Executive Director