

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14538
Telecommunications Branch August 7, 1991R E S O L U T I O N

RESOLUTION T-14538. GTE CALIFORNIA INCORPORATED. ORDER AUTHORIZING GTE CALIFORNIA INCORPORATED TO PROVIDE VOICE MAIL BOXES TO JET PROPULSION LABORATORY UNDER CONTRACT.

BY ADVICE LETTER NO. 5327, FILED JUNE 21, 1991.SUMMARY

GTE California Incorporated (GTEC), by Advice Letter No. 5327 filed June 21, 1991, requests authority under provisions of General Order No. 96-A (G.O. 96-A) Part X.A. to deviate from filed tariff schedules in order to provide Jet Propulsion Laboratory (JPL) with Voice Mail Box service under a customer specific contract (Agreement). This resolution authorizes GTEC to provide Voice Mail Box service to JPL on a limited basis under special contract. This contract will not increase any rate or charge, cause the withdrawal of service, nor conflict with other schedules or rules.

No protests to this Advice Letter No. 5327 were filed.

BACKGROUND

In Decision No. (D.) 91-04-024, dated April 10, 1991, the California Public Utilities Commission authorized GTEC to provide voice messaging services (including voice mail boxes) to end users on an interim tariffed basis. The requirements for filing of advice letters to provide voice messaging services are set forth in the Ordering Paragraphs of D.91-04-024.

On May 1, 1991, Telephone Answering Service of California (TASC) filed an Application for Rehearing of D.91-04-024. Briefly, TASC believes that it is unlawful for GTEC to use monopoly personnel for marketing and billing of both voice messaging and monopoly services. Subsequently, on May 10, 1991 GTEC filed an Application for Limited Rehearing of D.91-04-024 based primarily on whether or not category III voice messaging services should or should not be tariffed. Both applications are currently pending before the Commission.

Because JPL has an urgent need for this service GTEC proposes to provide this service in the interim by special contract. GTEC's Agreement with JPL is for a term of five (5) years. However, the Agreement states that if GTEC files a voice messaging tariff pursuant to D.91-04-024 this Agreement will terminate on the

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effective date of said tariff, and that GTEC shall provide the service to JPL pursuant to the rates, terms and conditions in the new tariff.

On July 3, 1991 GTEC filed Advice Letter No. 5332 requesting authority to offer voice messaging services to the end user customers of GTEC on an interim tariffed basis, for a period of two (2) years. Ordering paragraph No. 1 of D.91-04-024 states that GTEC's initial voice messaging tariff must be approved by the Commission before taking effect.

All terms and conditions outlined in D.91-04-024 for tariffing voice messaging services, such as the tracking and reporting of costs and revenues to the Commission, shall apply to the JPL voice mail box specific service contract. In the event that GTEC's voice messaging tariffs are not authorized by the Commission, the Commission reserves its right to review this contract every two (2) years.

NOTICE/PROTESTS

The Advice Letter indicated that GTEC provided notice of this Advice Letter, according to G.O. 96-A, to all competing utilities, adjacent utilities, and all other utilities and interested parties having requested such notification. Notification of GTEC's Advice Letter No. 5327 appeared in the Commission's daily calendar on Wednesday June 26, 1991.

No protests have been filed on GTEC's Advice Letter No. 5327.

DISCUSSION

In reviewing Advice Letter No. 5327 and other documents, we note that:

- a. The contract contains the necessary language which conditions its approval upon Commission authorization.
- b. The Advice Letter and the Jet Propulsion Laboratory Agreement are public documents.
- c. This Agreement is subject to Commission jurisdiction.
- d. Decision No. 91-04-024 authorized GTEC to provide voice messaging services.
- e. Telephone Answering Service of California filed an Application for Rehearing of D.91-04-024 based primarily on whether or not it is lawful for GTEC to use monopoly personnel for marketing and billing of both voice messaging and monopoly services.

- f. GTEC has also filed an Application for Limited Rehearing of D.91-04-024. GTEC believes that because voice messaging is a category III services it should not be tarified.
- g. Both TASC and GTEC's applications are pending before the Commission.
- h. GTEC states in its Advice Letter that JPL and GTEC have entered into a contract for GTEC to provide JPL with a telecommunications system consisting of 405 lines of CentraNet and 265 Voice Mail Boxes.
- i. CentraNet is currently being provided under a provisional 2-year tariff with permanent rates to be set during the Implementation Rate Design phase of I.87-11-033.
- j. The use of Voice Mail Boxes is an integral part of JPL's communication requirement.
- k. Voice Mail Box services are not yet tarified, therefore, it is appropriate to offer this service under a contractual agreement.
- l. This Advice Letter will not increase any rate or charge, cause the withdrawal of service, nor conflict with other schedules or rules.
- m. The contract between JPL and GTEC states that if GTEC files voice messaging tariffs pursuant to D.91-04-024 this contract will terminate on the effective date of said tariff, and that GTEC shall provide the service to JPL pursuant to the rates, terms and conditions in the new tariff.
- n. On July 3, 1991 GTEC filed Advice Letter No. 5332 requesting authority to offer voice messaging services to its customers on an interim tarified basis, for a period of two (2) years.
- o. D.91-04-024 states that GTEC's initial voice messaging tariff must be approved by the Commission before taking effect.
- p. GTEC shall track and report to the Commission Advisory and Compliance Division the costs and revenues associated with the JPL agreement in accordance with D.91-04-024.
- q. The Advice Letter indicated that GTEC provided notice of its Advice Letter, according to G.O. 96-A, to all competing utilities, adjacent utilities, and all other utilities and interested parties having requested such notification.

We conclude that the Advice Letter meets the requirements set forth in D.91-04-024 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 precedents for the contents or or Commission approval of similar requests.

FINDINGS

1. GTEC filed Advice Letter No. 5327 on June 21, 1991 requesting Commission authorization to provide Voice Mail Box service to Jet Propulsion Laboratory under a customer specific contract.
2. The use of Voice Mail Boxes is an integral part of JPL's communications requirement. However, Voice Mail Box services are not yet tariffed; therefore, it is appropriate to offer this service under a contractual agreement.
3. There is a need for GTEC to conform to the tracking and reporting requirements of D.91-04-024 and provisions of G.O. 96-A.
4. GTEC filed voice messaging tariffs in accordance with D.91-04-024 on July 3, 1991. The contract between JPL and GTEC will terminate on the effective date of the new tariffs when approved by the Commission, and that GTEC shall provide the service to JPL pursuant to the rates, terms and conditions in the new voice messaging tariffs.
5. Authorization of the Jet Propulsion Laboratory contract will not increase any rate or charge, cause the withdrawal of service, nor conflict with other schedules or rules.
6. In accordance with ordering paragraph 11 of D.91-04-024, the Commission reserves its right to review this contract every two (2) years.

THEREFORE, IT IS ORDERED that:

1. Authorization is granted to make Advice Letter No. 5327 and the contract between the Jet Propulsion Laboratory and GTE California Incorporated effective on August 7, 1991.
2. All terms and conditions outlined in D.91-04-024 for tariffing voice messaging services, such as, but not limited to, the tracking and reporting of costs and revenues to the Commission, shall apply to the Jet Propulsion Laboratory voice mail box specific service contract.
3. GTE California Incorporated filed voice messaging tariffs pursuant to D.91-04-024, and the contract between Jet Propulsion Laboratory and GTE California Incorporated will terminate on the effective date of the new tariffs, and that GTE California Incorporated shall provide the service to Jet Propulsion Laboratory pursuant to the rates, terms and conditions in the new voice messaging tariffs when approved by the Commission.
4. In the event that GTE California Incorporated's voice messaging tariffs are not authorized by the Commission, the Commission reserves its right to review this contract every two (2) years.

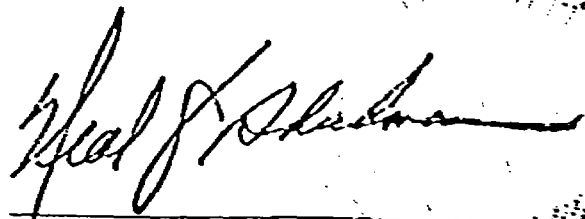
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5. The Advice Letter and contract authorized herein shall be marked to show that they were authorized under Resolution of the Public Utilities Commission of the State of California No. T-14538.

6. All tariff sheet filed under Advice Letter No. 5327 shall be marked to show that such sheets were authorized by Resolution of the Public Utilities Commission of the State of California No. T-14538.

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 August 7, 1991.



NEAL P. SHULMAN
Executive Director

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

Commissioner Daniel Wm. Fessler, being necessarily absent, did not participate.