

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14696  
Telecommunications Branch November 20, 1991

R E S O L U T I O N

RESOLUTION T-14696. GTE CALIFORNIA INCORPORATED. ORDER CONCERNING PROVISION OF VOICE MESSAGING SERVICE AND BASIC SERVICE ELEMENTS FOR THE CONNECTION OF ENHANCED SERVICES TO ITS TELEPHONE NETWORK.

BY ADVICE LETTER 5332A, FILED OCTOBER 30, 1991.

SUMMARY

GTE California Incorporated (GTEC), by Advice Letter (AL) 5332A filed October 30, 1991, requests authority under provisions of General Order (G.O.) 96-A, Decision (D.) 91-04-024, and Resolution T-14593 to provide Basic Service Elements (BSE) for the connection of enhanced services to the telephone network and to provide voice messaging services. This Resolution authorizes GTEC to provide voice messaging service on an interim tariffed basis for a period of two years and BSEs for the connection of enhanced services as proposed, with appropriate safeguards.

Authorization of this Advice Letter will not increase any current rate or charge, cause the withdrawal of any service, nor conflict with any other schedules or rules.

BACKGROUND

In D.91-04-024, dated April 10, 1991, the California Public Utilities Commission authorized GTEC to provide voice messaging services to end user customers on an interim tariffed basis without structural separation, and required the tariffing of associated BSEs. The requirements for filing of advice letters to provide voice messaging services are set forth in the ordering paragraphs of D.91-04-024. Specifically, D.91-04-024 ordered GTEC to seek Commission approval of its initial voice messaging tariff, and to institute separate memorandum accounts to track the complete research, development, deployment, operating and maintenance costs, and all revenues attributed to its voice messaging services.

On July 3, 1991 GTEC filed AL 5332 requesting authority to offer voice messaging services to its end user customers on an interim tariffed basis for a period of two years from the effective date of the tariff, without structural separation. "Without structural separation" means that the utility will provide enhanced services on an integrated basis through its monopoly service operations. In addition, GTEC also proposed tariffing BSEs so that enhanced service providers (ESPs) can interconnect with GTEC's network in order to provide voice messaging services, or other enhanced services, to their end user customers.

Resolution T-14593, dated October 23, 1991, rejected the tariff sheets of GTEC's AL 5332. Ordering Paragraph (OP) 2 of Resolution T-14593 authorized GTEC to file a supplement to AL 5332 addressing concerns expressed in Resolution T-14593. Finding No. 3 states:

GTEC's proposed tariff Schedule E-3 for enhanced services does not contain all the rates, classifications and rules which are necessary to determine the charges for voice messaging services, and therefore does not comply with the minimum requirements for a tariff set forth in P.U. Code Section 489(a).

Finding No. 4 states:

The tariffs proposed by GTEC's AL 5332 do not include dates upon which its enhanced services are estimated to be available in each end office, and therefore do not comply with Ordering Paragraph 10 of D.91-04-024.

Finding No. 5 states in part:

. . . GTEC's proposed tariff offerings should be on an interim two year basis only.

On October 30, 1991, GTEC filed AL 5332A addressing concerns expressed in Resolution T-14593. Rates, classifications and rules have been added to Schedule Cal. P.U.C. No. E-3 as required in Finding 3. Schedule Cal. P.U.C. A-16, Sheets 19 and 20, of GTEC's original filing include the dates when GTEC plans to make BSEs for the provision of enhanced services available in each of its end offices. GTEC's Schedule Cal. P.U.C. E-3, sheet 4, indicates that the same dates are also the estimated availability dates, by end offices, for its own Voice Messaging services. Schedule Cal. P.U.C. A-16, Sheet 1, of GTEC's original advice letter filing included the sentence, "This service is provided on an interim basis for a period of two years from the effective date of this tariff." GTEC's AL 5332A also includes the necessary language to satisfy requirements expressed in Findings 3, 4 and 5 of Resolution T-14593.

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BSEs are part of the Open Network Architecture regime articulated by the Federal Communications Commission. In AL 5332A GTEC is proposing the following BSE options for providing enhanced services:

Message Waiting Indication--Audible  
Forward Call Information--Intraoffice  
Data Link  
User Transfer  
Queuing  
Call Forwarding Busy Line--Fixed  
Call Forwarding No Answer--Fixed  
Call Forward Busy/No Answer--Fixed  
Three-Service Package

GTEC is also proposing three new custom calling services:

Call Forwarding Busy- Line--Fixed  
Call Forwarding No-Answer--Fixed  
Call Forwarding Busy-Line No-Answer--Fixed

GTEC's proposed BSEs are all Category I tariffed services. ESPs may find other uses for the BSEs GTEC is proposing.

D.89-10-031 states, "In keeping with this principle of imputation, Pacific and GTEC should use tariffed rates for BSEs or other monopoly building blocks rather than actual costs in the non structural accounting separation we adopt for below-the-line services in Section VII.B of this decision, so that a utility's competitive services "pay" the same price for the monopoly building blocks as would its competitors. The imputation requirement is adopted to ensure that competitors are not unfairly disadvantaged by anticompetitive price squeezes." (See, 33 Cal. P.U.C. 2d, 43, 121.)

D.89-10-031 provides maximum pricing flexibility for Category III services. D.89-10-031 also provides that tariff rates for a bundled service should be set at a level no lower than the sum of the tariffed rates of all tariffed monopoly building blocks, including but not limited to BSEs. (See, 33 Cal. P.U.C. 2d 43, 232, Ordering Par. 2.)

D.89-10-031 authorized modifications to G.O. 96-A associated with changes in rates or charges. D.89-10-031 states that, "Local exchange carriers are authorized to change their rates or charges through advice letter filings for services for which pricing flexibility has been implemented. Sections III, IV, V, and VI of General Order 96-A are waived so that such rate changes are effective on ten days' notice to all affected customers if the rate change is a decrease and on 30 days' notice to all affected customers if the rate change is an increase. Any protest shall be filed within eight days after an advice letter is filed, and CACD shall notice the local exchange carriers within ten days after an advice letter is filed if its proposed tariff sheets are rejected. (See, 33 Cal. P.U.C. 2d 43, 233, Ordering Par. 4.)

The Commission reiterated earlier modifications to G.O. 96-A associated with changes in rates or charges for competitive services in D.90-07-052, dated July 18, 1990, when it authorized PacBell to offer Fax Store and Forward (S/F) service. "Pacific may change its Fax S/F rates following the procedures for changing flexibly priced rates established in D.89-10-031, Ordering Paragraph 4. These procedures waive certain portions of General Order 96-A, allowing rate decreases to become effective on 10 days' notice to all affected customers and rate increases to become effective on 30 days' notice and shortening the protest period to eight days. This shortened procedure was adopted primarily with an eye to Category II services. Given the greater pricing flexibility accorded to Category III services, an even more streamlined process for rate changes may be appropriate, but that issue was not addressed by any party in this application proceeding. Changes to the tariff other than rate changes would still be subject to all provisions of General Order 96-A, unless a subsequent Commission decision grants greater flexibility." (See, 37 Cal P.U.C. 2d, 33, 39.)

Ordering Paragraph 4 of D.91-04-024 required GTEC to obtain Commission Advisory and Compliance Division's (CACD) written approval of its proposed memorandum account procedure for enhanced services cost tracking before implementation. On August 14, 1991, CACD gave its approval to GTEC's voice messaging service cost tracking procedures. CACD stated in its approval letter that "procedures for tracking of voice messaging, as well as those for any subsequent enhanced service that GTEC may provide, are subject to qualifications specified in D.91-07-056, the monitoring decision." Furthermore, CACD referred to the Commission's determination that initial cost tracking procedures "will necessarily be temporary, as more specific monitoring needs become apparent" (D.91-07-056, p.7).

Resolution T-14538, dated August 7, 1991, authorized GTEC to provide voice mail boxes to Jet Propulsion Laboratory (JPL) under special contract. OP 3 of Resolution T-14538 states: "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 ". . . 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."

#### NOTICE/PROTESTS

The Advice Letter indicated that GTEC provided notice in accordance with 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 AL 5332A appeared in the Commission's Daily Calendar on Wednesday, November 6, 1991.

There were no protests to GTEC's AL 5332A.

DISCUSSION

In reviewing Advice Letter No. 5332A and other documents, we note that:

- a. D.91-04-024 authorized GTEC to provide voice messaging services and the associated BSEs, and required that GTEC's initial voice messaging tariff be approved by the Commission before taking effect.
- b. On July 3, 1991 GTEC filed Advice Letter 5332 requesting authority to offer voice messaging services to its customers on an interim tariffed basis for a period of two years.
- c. GTEC's Advice Letter also proposes to provide Basic Service Elements for the connection of enhanced services to the telephone network by all parties wishing to provide such service, including GTEC which must also pay the tariffed rates for the use of these services.
- d. Ordering Paragraph 4 of D.91-04-024 required GTEC to obtain Commission Advisory and Compliance Division's written approval of its proposed memorandum account procedure for the cost tracking of enhanced services before implementation. On August 14, 1991, CACD gave written approval of GTEC's proposed cost tracking procedures.
- e. The procedures for tracking voice messaging service, as well as those for any subsequent enhanced services that GTEC may provide, are subject to qualifications specified in D.91-07-056, the monitoring decision.
- f. Resolution T-14593, dated October 23, 1991, rejected the tariff sheets of GTEC's AL 5332. Ordering Paragraph 2 of Resolution T-14593 authorized GTEC to file a supplement to Advice Letter 5332 addressing concerns expressed in Resolution T-14593.
- g. On October 30, 1991, GTEC filed supplemental AL 5332A addressing concerns expressed in Resolution T-14593.
- h. GTEC's Schedule Cal. P.U.C. No. E-3, filed with AL 5332A, displays rates, classifications and rules required in Finding 3 of Resolution T-14593. Schedule Cal. P.U.C. A-16, Sheets 19 and 20, include the dates when GTEC plans to make BSEs for the provision of enhanced services available in each of its end offices. GTEC's Schedule Cal. P.U.C. E-3, Sheet 4, indicates that the same dates are also the estimated availability dates, by end offices, for its own Voice Messaging services. To satisfy Finding 5 concerns, GTEC's Schedule Cal. P.U.C. A-16, Sheet 1, of its Advice Letter included the sentence, "This service is provided on an interim basis for a period of two years from the effective date of this tariff."

- i. GTEC's AL 5332A includes the necessary language to satisfy requirements expressed in Findings 3, 4 and 5 of Resolution T-14593.
- j. AL 5332A indicates that GTEC provided notice of its Advice Letter in accordance with G.O. 96-A, to all competing utilities, adjacent utilities, and all other utilities and interested parties having requested such notification.
- k. BSEs are part of the Open Network Architecture regime articulated by the Federal Communications Commission. GTEC is proposing numerous BSE options for providing enhanced services: Message Waiting Indication--Audible, Forward Call Information--Intraoffice, Data Link, User Transfer, Queuing, Call Forwarding Busy Line--Fixed, Call Forwarding No Answer--Fixed, Call Forward Busy/No Answer--Fixed, and Three-Service Package. GTEC is also proposing three new custom calling services: Call Forwarding Busy-Line--Fixed, Call Forwarding No-Answer--Fixed, and Call Forwarding Busy-Line No-Answer--Fixed. GTEC's current and proposed BSEs are all Category I tariffed services. Enhanced service providers may use these BSEs to provide Voice Messaging or other services.
- l. D.89-10-031 adopted three principles to help ensure fair competition: unbundling, imputation, and non-discriminatory access. By providing each BSE separately GTEC is in compliance with the unbundling principle.
- m. D.89-10-031 states, "In keeping with this principle of imputation, Pacific and GTEC should use tariffed rates for BSEs or other monopoly building blocks rather than actual costs in the non structural accounting separation we adopt for below-the-line services in Section VII.B of this decision, so that a utility's competitive services "pay" the same price for the monopoly building blocks as would its competitors. The imputation requirement is adopted to ensure that competitors are not unfairly disadvantaged by anticompetitive price squeezes." (See, 33 Cal. P.U.C. 2d, 43, 121, Par. 2). To fulfill the imputation requirement of D.89-10-031, Ordering Paragraph 2, GTEC's below-the-line unit should pay the above-the-line unit tariffed rates for each BSE.
- n. The non-discriminatory access principle is satisfied by GTEC's paying the tariffed rates for each BSE. GTEC should provide the same timely and equal connection to competitors as for its own enhanced service unit.
- o. In D.90-07-052, dated July 18, 1990, the Commission authorized PacBell to offer Fax Store and Forward service with procedures for changing flexibly priced rates established in D.89-10-031.

- p. GTEC may change its voice messaging services rates following the procedures for changing flexibly priced rates established in D.89-10-031, Ordering Paragraph 4. These procedures waive certain portions of General Order 96-A, allowing rate decreases to become effective on 10 days' notice to all affected customers and rate increases to become effective on 30 days' notice and shortening the protest period to eight days.
- q. Tariff changes other than rate changes would still be subject to all provisions of General Order 96-A.
- r. Based on our review of GTEC's tariff for its bundled voice messaging services it appears that the tariff rates are set at a level no lower than the sum of the tariffed rates of all tariffed monopoly building blocks, in accordance with O.P. 2 of D.89-10-031. If GTEC changes its rates it must continue to comply with the price floor requirement for its tariff rates.
- s. The public has a need for both voice messaging services and the other enhanced services which GTEC's provision of BSEs will facilitate.
- t. GTEC's AL 5332A states that the filing will not increase any current rate or charge, cause the withdrawal of any service, nor conflict with any other schedules or rules.
- u. Commission approval of the rates, terms and conditions outlined in GTEC's voice messaging tariffs will supersede GTEC's special contract with Jet Propulsion Laboratory to provide Voice Mail Box service under a customer specific contract.

GTEC's AL 5332A adequately resolves concerns expressed in Resolution T-14593.

We conclude that the Advice Letter meets the requirements set forth in G.O. 96-A, the ordering paragraphs of D.91-04-024, D.91-07-056, and Resolution T-14593 and should be approved.

#### FINDINGS

1. D.91-04-024 authorized GTEC to provide voice messaging services, and ordered the tracking and reporting of complete research, development, deployment, operating and maintenance costs, and all revenues attributed to enhanced services.
2. GTEC's memorandum account tracking procedures were approved by CACD, and continue to be subject to requirements of D.91-04-024 and D.91-07-056, the monitoring decision.

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3. GTEC filed Advice Letter 5332 on July 3, 1991 requesting Commission authority to provide BSEs for the connection of enhanced services to the telephone network by all parties wishing to provide such services. As required by D.91-04-024, GTEC proposes to offer the voice messaging service on an interim tariffed basis for a period of two years. GTEC would also pay the tariffed rates for use of these services.

4. BSEs are part of the Open Network Architecture regime articulated by the Federal Communications Commission. GTEC is proposing the following BSE options for providing enhanced services: Message Waiting Indication--Audible, Forward Call Information-- Intraoffice, Data Link, User Transfer, Queuing, Call Forwarding Busy Line--Fixed, Call Forwarding No Answer--Fixed, Call Forward Busy/No Answer--Fixed and Three-Service Package. GTEC is also proposing three new custom calling services: Call Forwarding Busy-Line--Fixed, Call Forwarding No-Answer--Fixed, and Call Forwarding Busy-Line No-Answer--Fixed. GTEC's current and proposed BSEs are all Category I tariffed services. Enhanced service providers may use these BSEs to provide voice messaging or other services.

5. D.89-10-031 adopted three principles to help ensure fair competition: unbundling, imputation, and non-discriminatory access. By providing each BSE separately GTEC is in compliance with the unbundling principle.

6. D.89-10-031 states, "In keeping with this principle of imputation, Pacific and GTEC should use tariffed rates for BSEs or other monopoly building blocks rather than actual costs in the non structural accounting separation we adopt for below-the-line services in Section VII.B of this decision, so that a utility's competitive services "pay" the same price for the monopoly building blocks as would its competitors. The imputation requirement is adopted to ensure that competitors are not unfairly disadvantaged by anticompetitive price squeezes." (See, 33 Cal. P.U.C. 2d, 43, 121.) To fulfill the imputation requirement the below-the-line unit of GTEC should pay the above-the-line unit tariffed rates for each BSE.

7. The non-discriminatory access principle is satisfied by GTEC's paying the tariffed rates for each BSE.

8. GTEC should be required to provide the same timely and equal connection to competitors as for its own enhanced service unit.

9. GTEC's Advice Letter adequately resolves concerns expressed in Resolution T-14593.

10. GTEC will be bound by the requirements of any future Commission decision(s) flowing from a broader investigation of enhanced services.

11. The public has a need for both voice messaging services and the other enhanced services which GTEC's provision of BSEs will facilitate.



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12. Approval of Advice Letter 5332A will cause the special contract between JPL and GTEC to terminate as of the effective date of GTEC's new voice messaging tariffs. GTEC will thereafter make voice messaging service available to JPL pursuant to its new voice messaging tariffs.

13. Authorization of this Advice Letter will not increase any current rate or charge, cause the withdrawal of any service, nor conflict with any other schedules or rules.

14. Authorization of GTEC's voice messaging tariff should be on an interim basis for a two-year period as required by D.91-04-024.

15. GTEC provided notice of its Advice Letter in accordance with G.O. 96-A to all competing utilities, adjacent utilities, and all other utilities and interested parties having requested such notification.

16. This Advice Letter meets the requirements set forth in previously mentioned Commission orders and G.O. 96-A and should be approved.

THEREFORE, IT IS ORDERED that:

1. Authorization is granted to make the Basic Service Element (BSE) and voice messaging tariffs in GTE California Incorporated's (GTEC) Advice Letter 5332A effective on the effective date of this Resolution. The specific BSEs authorized are those detailed in Finding of Fact No. 4 of this Resolution.

2. GTEC shall adopt the procedures for tracking voice messaging services, as well as those for tracking any subsequent enhanced service that GTEC may provide, according to Decision (D.) 91-04-024 and D.91-07-056.

3. GTEC shall adhere to the three competitive safeguards established in D.89-10-031: unbundling, imputation, and non-discriminatory access.

4. GTEC shall provide the same timely and equal connection to competitors as for its own enhanced service unit.

5. GTEC may change enhanced service rates following the procedures for changing flexible priced rates established in D.89-10-031, Ordering Paragraph 4 and D.90-07-052, subject to Ordering Paragraph 2 of D.89-10-031.

6. GTEC's voice messaging service tariffs authorized by this Resolution shall expire two years after their effective date unless otherwise cancelled or extended by the Commission.

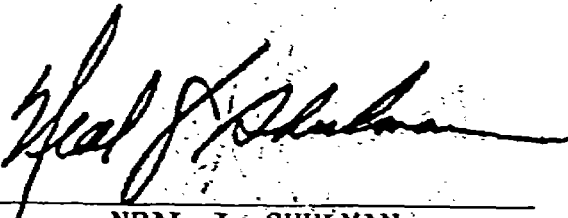
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7. The special contract between Jet Propulsion Laboratory and GTEC shall terminate on the effective date of this Resolution.

8. The Advice Letter and tariff sheets 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-14696.

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 November 20, 1991. The following Commissioners approved it:



NEAL J. SHULMAN  
Executive Director

PATRICIA M. ECKERT  
President  
DANIEL Wm. FESSLER  
NORMAN D. SHUSKY  
Commissioners

Commissioner John B. Ohanian,  
being necessarily absent, did  
not participate.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION  
Telecommunications Branch

RESOLUTION T-14697  
Date: November 11, 1991

R E S O L U T I O N

RESOLUTION T-14697. U S WEST CELLULAR OF CALIFORNIA, INC. EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A CELL SITE IN THE SAN DIEGO CELLULAR GEOGRAPHIC SERVICE AREA.

BY ADVICE LETTER NO. 64, FILED ON OCTOBER 25, 1991.

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SUMMARY

U S WEST CELLULAR OF CALIFORNIA, INC. (U S WEST), by Advice Letter No. 64, filed on October 25, 1991, requests authority under the provisions of General Order 159 (G.O. 159) and Decision No. 90-03-080 (March 28, 1990) to add a cellular radiotelephone cell site to its existing cellular system serving the San Diego area. This Resolution authorizes the construction of the cell site, known as the Point Loma site, located at 1627 Oceanfront Street, San Diego, CA. No protests to this Advice Letter have been received.

BACKGROUND

Under G.O. 159 (D.90-03-080), a cellular utility must obtain authorization from the Commission before construction of cellular facilities not described in the decision granting the certificate of public convenience and necessity. A cellular utility must file an advice letter requesting authorization to construct after it has received all approvals for the proposed construction required by any governmental agencies with jurisdiction over the proposed construction, or which would have jurisdiction absent the Commission's preemption.

DISCUSSION

Advice Letter No. 64 contains all the information required under G.O. 159 to be included in an Advice Letter filing for authority to construct additional cellular facilities.

The Point Loma site represents an additional cellular radiotelephone facility not described in Decision 85-12-023, granting U S WEST a certificate of public convenience and necessity.

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U S WEST has obtained permits or approvals from the following governmental entities and asserts that these entities comprise all governmental entities that have jurisdiction over the proposed construction (with the exception of the California Public Utilities Commission): City of San Diego, Federal Aviation Administration, Federal Communications Commission.

The proposed construction will be located at 1627 Oceanfront Street, San Diego, CA and is known as the Point Loma site. It will consist of eight panel antennas mounted on the roof of an existing building. The initial installation will be expanded in the future to twelve panel and two omnidirectional antennas. Cellular radiotelephone electronic equipment will be installed within the existing building.

The Point Loma site will become part of U S WEST's cellular system serving the San Diego area.

#### NOTICE

Public notice that U S WEST CELLULAR OF CALIFORNIA, INC. filed Advice Letter No. 64 requesting authority to construct the Point Loma site appeared in the California Public Utilities Commission's October 30, 1991 Daily Calendar. In addition, copies of U S WEST's Advice Letter No. 64 were mailed in accordance with the Commission's General Order No. 96-A, Section III. G, to competing utilities either privately or publicly owned, adjacent utilities either privately or publicly owned, utilities having requested such notification, and other interested parties having requested such notification.

#### PROTESTS

No protests have been received to U S WEST's Advice Letter No. 64.

#### FINDINGS

1. On October 25, 1991, U S WEST CELLULAR OF CALIFORNIA, INC. filed Advice Letter No. 64 requesting Executive authorization to construct the Point Loma site located at 1627 Oceanfront Street, San Diego, CA.
2. The Point Loma site represents an additional cellular radiotelephone facility not described in Decision 85-12-023, granting U S WEST a certificate of public convenience and necessity.
3. Decision 90-03-080 adopts G.O. 159 which sets forth certain requirements for the filing of advice letters requesting authorization to construct cellular radiotelephone

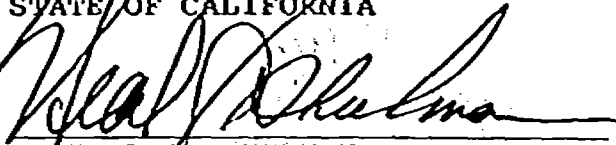
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- facilities not described in a utility's certificate of public convenience and necessity.
4. Advice Letter No. 64 conforms to the requirements of Decision 90-03-080 and G.O. 159.
  5. A U S WEST officer signed a declaration which states that U S WEST has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 64.
  6. Advice Letter No. 64 lists the following entities which have jurisdiction over the proposed construction of the Point Loma site: City of San Diego, Federal Aviation Administration, Federal Communications Commission.
  7. No protests to Advice Letter No. 64 have been received.

THEREFORE, IT IS ORDERED that:

- (1) U S WEST CELLULAR OF CALIFORNIA, INC.'s Advice Letter No. 64 is hereby approved.
- (2) The effective date of this resolution is November 11, 1991.

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA



By NEAL J. SHULMAN  
Executive Director