

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14857
Telecommunications Branch February 5, 1992

R E S O L U T I O N

RESOLUTION T-14857. PACIFIC BELL. REQUEST FOR
PERMANENT AUTHORITY TO PROVIDE CALIFORNIA 900 SERVICE.

BY ADVICE LETTER NO. 16136 FILED ON DECEMBER 17, 1991,
AND BY ADVICE LETTER NO. 16136A FILED ON JANUARY 24,
1992.

SUMMARY

This resolution authorizes Pacific Bell's (Pacific's) request for permanent authority to provide California 900 Service.

Pacific was granted authority by Decision (D.) 89-03-061 to establish tariff Schedule Cal. P.U.C. No. A9.5.3 offering California 900 Service on a provisional basis. On July 2, 1991, and again on October 11, 1991, we extended Pacific's provisional authority for its California 900 service by Resolutions T-14509 and T-14643, respectively.

Resolution T-14643 stated that permanent authority would not be granted until all consumer safeguards established in D.91-03-021 were incorporated in Pacific's California 900 service tariff. Advice Letter Nos. 16136 and 16136A comply with this requirement.

BACKGROUND

Pacific's Advice Letter 15580, filed July 12, 1989, requested authority to establish Schedule Cal. P.U.C. No. A9.5.3 to provide California 900 Service on a twenty-four (24) month provisional basis from July 14, 1989 through July 13, 1991. Provisional authority was granted in D.89-03-061. On July 2, 1991, and again on October 11, 1991, we extended Pacific's provisional authority for its California 900 service by Resolutions T-14509 and T-14643, respectively.

Advice Letter No. 16038, filed on August 12, 1991 requested (among other things) permanent authority for its California 900 service. Pacific, however, was unable to comply with the advance notification safeguard established in D.91-03-021. Resolution T-14643 (dated October 11, 1991) extended provisional authority, stating that permanent authority would not be granted until all

consumer safeguards established in D.91-03-021 were incorporated in Pacific's California 900 service tariff.

Pacific filed Advice Letter No. 16136 on December 17, 1991, again requesting permanent authority to offer its California 900 service. Advice Letter Nos. 16136 and 16136A provide the remaining 900 service safeguards established by this Commission.

PROTESTS

Notice of Advice Letter No. 16136 was published in the Commission Calendar on December 23, 1991. The Commission Advisory and Compliance Division (CACD) has received no protests to Advice Letter Nos. 16136 or 16136A.

DISCUSSION

Pursuant to Pacific's Advice Letter 15580, filed July 12, 1989, the Commission granted Pacific authority to establish Schedule Cal. P.U.C. No. A9.5.3 to provide California (intraLATA) 900 Service on a twenty-four (24) month provisional basis from July 14, 1989 through July 13, 1991. On June 4, 1991, Pacific filed Advice Letter 15986 requesting permanent tariff authority for its California 900 service. Instead, we extended provisional authority for this service until November 19, 1991 in order to allow sufficient time for protestants to submit, the utility to respond, and for the Commission to consider possible protests.

Concurrent with Pacific's filing of Advice Letter No. 15986, several interexchange carriers (IECs) requested approval of tariffs for the provision of interLATA 900 service. These interexchange carriers were granted authority to file tariffs offering interLATA 900 services pursuant to D.91-03-021. Carriers were ordered to comply with consumer safeguards similar to, but more extensive than those ordered for Pacific in D.89-03-061 (which authorized Pacific's provisional California 900 service tariff). Tariffs incorporating these safeguards were authorized by Resolution T-14732 on December 18, 1991.

While D.91-03-021 explicitly ordered IECs to comply with its consumer safeguards, we expect these safeguards to be uniformly applied to all (interLATA and intraLATA) 900 services in California. As stated on page 36 of D.91-03-021,

"We agree consistency is desirable to prevent confusion and forum shopping. As pointed out by DRA and others, the caller is very unlikely to know which of several companies is carrying a 900 call. In fact, we see no reason why a caller would care which LEC or IEC is carrying the call as long as the quality of service between carriers is the same. The caller would care only if the carriers provide a different quality of service, such as different consumer safeguards that could result in more or less information and protection to the caller (e.g., an introductory message, adjustment policy differences). Furthermore, if any

consumer protections are sensible, consumers require the same amount and type of protection for each 900 call and carrier." (emphasis added).

Accordingly, even though Pacific was not explicitly ordered to do so in D.91-03-021, the granting of permanent authority for Pacific's California 900 service was contingent upon Pacific's inclusion of the consumer safeguards ordered in D.91-03-021.

In Advice Letter No. 16038, Pacific attempted to include in its California 900 tariff the additional consumer safeguards established in D.91-03-021. Due to technical reasons, however, Pacific was unable to comply with the requirement to provide advance notification to its business customers (D.91-03-021, Ordering Paragraph 4j) until January 1, 1992. We extended Pacific's provisional authority for this service, so as to provide sufficient time for Pacific to comply with subscriber advance notification and other safeguards ordered for the applicants in D.91-03-021.

Advice Letter Nos. 16136 and 16136A incorporate the remaining safeguards ordered in D.91-03-021. We find no reason why permanent authority should not now be granted, as has already been done for other carriers who have complied with D.91-03-021.

FINDINGS

1. Pursuant to Pacific's Advice Letter 15580, filed July 12, 1989, the Commission granted Pacific authority to establish Schedule Cal. P.U.C. No. A9.5.3 to provide California 900 Service on a twenty-four (24) month provisional basis from July 14, 1989 through July 13, 1991.
2. On July 2, 1991, Commission Resolution T-14509 extended Pacific's authority to offer its California 900 service until November 19, 1991 or until further notice of the Commission.
3. On August 12, 1991, Pacific filed Advice Letter No. 16038 requesting permanent authority for its California 900 service.
2. On October 11, 1991, Commission Resolution T-14643 extended Pacific's authority to offer its California 900 service until February 1, 1992 or until further notice of the Commission.
4. Commission Resolution T-14643 conditions permanent authority to offer California 900 Service on the inclusion of all the consumer safeguards established in D.91-03-021.
5. Advice Letter Nos. 16136 and 16136A, which provide the additional consumer safeguards established in D.91-03-021, is reasonable and should be approved.

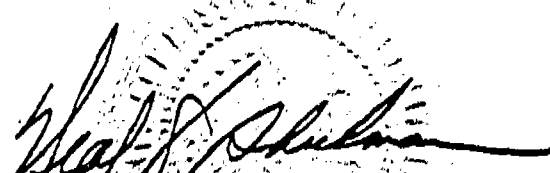
THEREFORE, IT IS ORDERED that:

February 5, 1992

1. Pacific Bell's request in Advice Letter Nos. 16136 and 16136A for permanent tariff authority is granted.
2. Advice Letter Nos. 16136 and 16136A, and the accompanying tariff sheets shall be marked to show this Resolution's number and effective date.

The effective date of this Resolution is today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on February 5, 1992. The following Commissioners approved it:



NEAL J. SHULMAN
Executive Director

DANIEL Wm. FESSLER
President
JOHN B. CHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners