

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
COMMISSION ADVISORY AND COMPLIANCE DIVISION      RESOLUTION T-14983  
Telecommunications Branch                              September 2, 1992

**R E S O L U T I O N**

RESOLUTION T-14983. MY STORE, INC.. REQUEST FOR  
CELLULAR RADIOTELEPHONE SERVICE DOWNWARD PRICING  
FLEXIBILITY PURSUANT TO ORDERING PARAGRAPH NO. 8 OF  
DECISION 90-06-025, AS MODIFIED BY DECISION 90-10-047.

BY ADVICE LETTER 11, FILED ON APRIL 2, 1992.

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**SUMMARY**

This Resolution authorizes My Store, Inc. to exercise downward pricing flexibility to its cellular radiotelephone service per Decision 90-06-025, as modified by Decision 90-10-047. This authority allows My Store, Inc. to make temporary tariff filings for reductions of up to 10% of its average customer bill. 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%) 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 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 40-day effective date advice letters.

The Commission also requires that the advice letters requesting temporary tariff authority contain calculations sufficient to

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support the requested range of flexibility. Utilities can request less than the maximum ten percent of the expected customer revenues as the allowed range, but must file a further advice letter if they wish later to expand the range.

On April 2, 1992, My Store, Inc., a reseller of cellular service, filed Advice Letter No. 11 requesting the maximum pricing flexibility authorized by D.90-06-025. My Store, Inc., 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 range of pricing flexibility.

#### NOTICE/PROTESTS

Public notice of Advice Letter No. 11 appeared in the Commission's April 4, 1992 Daily Calendar. In addition, copies of My Store's, Inc. Advice Letter No. 11 and its accompanying tariff sheets were mailed in accordance with the Commission's General Order No. 96-A, Section III. G, to all competing and adjacent utilities, and to all interested parties having requested such notification. No protests were received at the end of the protest period.

#### 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, and the range of the average monthly bill.

In determining its average customer bill, My Store added its airtime charges, and optional service charges for the month of March, 1992, and divided the total by the average number of customers for that month. Downward adjustments were made for new customer access prepayments received during March, and no surcharges, taxes, late charges, new activation charges or nonrecurring charges were included in the total. The average monthly retail subscriber bill was found to be in the range of \$100 - \$125.

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

D.90-06-025 does not permit cellular resellers to use temporary tariffs to increase any rate element. We will reiterate that constraint to My Store, Inc. in our approval of its request for temporary tariff authority.

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FINDINGS

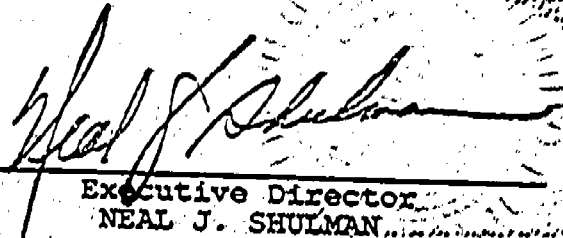
1. My Store, Inc. has submitted sufficient information and calculations in its Advice Letter No. 11 and associated proprietary submittal to CACD to support the requested range of downward pricing flexibility.
2. Temporary tariff filings may not be used to increase any rate element.
3. No protests to Advice Letter No. 11 have been received.

THEREFORE, IT IS ORDERED that:

1. My Store, Inc. is authorized to file, as temporary tariffs effective immediately, rate reductions which will not impact an average customer's bill by more than 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.
4. Temporary tariff filings shall not be used to increase any rate element.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 2, 1992. The following Commissioners approved it:

  
Executive Director  
NEAL J. SHULMAN

DANIEL Wm. FESSLER  
President  
JOHN B. OHANIAN  
NORMAN D. SHUMWAY  
Commissioners

Commissioner Patricia M. Eckert,  
being necessarily absent, did not  
participate.