

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
COMMISSION ADVISOR AND COMPLIANCE DIVISION      RESOLUTION T-15117  
Telecommunications Branch                              September 16, 1992

R E S O L U T I O N

RESOLUTION T-15117. REQUEST BY GTE CALIFORNIA, INC. (U-1002-C) FOR RE-AUTHORIZATION OF PROVISIONAL AUTHORITY FOR "BUSINESS LINE 800" SERVICE.

BY ADVICE LETTER NO. 5415, FILED ON AUGUST 13, 1992.

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SUMMARY

On August 13, 1992, GTE California, Inc. (GTEC) filed Advice Letter (AL) No. 5415 which requested an re-authorization of its provisional authority for Business Line 800 Service (Tariff Schedule Cal P.U.C., B-3). This Resolution grants the requested renewal of GTEC's provisional authority until January 13, 1993, or until further order by this Commission. This Resolution also orders GTEC to file by October 16, 1992, an advice letter requesting permanent authority for Business Line 800 Service.

BACKGROUND

On August 29, 1990, Resolution T-14128 granted GTEC two-year provisional authority to offer Business Line 800 Service. The authority for GTEC's Business Line 800 Service expired on August 29, 1992. On August 13, 1992, GTEC filed Advice Letter No. 5415 requesting an renewal of its two-year provisional authority for Business Line 800.

GTEC has also submitted a tariff proposal requesting the expansion of and permanent authority for Business Line 800 Service. The Commission Advisory and Compliance Division (CACD) is currently reviewing this proposal.

PROTESTS

Notice of Advice Letter No. 5415 was published in the Commission Calendar on August 17, 1992. The Division of Ratepayer Advocates (DRA) protested GTEC's Advice Letter No. 5415 on September 2, 1992. DRA's protest was timely, shows merit, and was given consideration by CACD.

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DRA protested AL No. 5415 on the grounds that GTEC was negligent and imprudent in allowing the provisional authority to lapse without requesting either permanent authority or an re-authorization of the provisional authority. DRA notes that GTEC had 24 months in which to make such a request.

DRA recognizes that rejection of AL No. 5415 would result in cancellation of Business Line 800 Service and an inordinate and unnecessary, adverse effect on current customers of the service. DRA is therefore proposing that GTEC's provisional authority be extended for a period of 120 days from the date of this resolution. DRA also recommends GTEC be ordered to file an advice letter requesting permanent authority for its Business Line 800 within 30 days from the effective date of this resolution.

DRA further protested AL No. 5415 on the basis that the tariff proposing the renewal of the provisional authority also contains a provision for temporary, promotional price for Business Line 800 Service. The promotional pricing provision was a part of the original, provisional authority for the service which has since expired. DRA asserts that a promotional program should not be renewed by an renewal of provisional authority and that language referring to the promotional pricing should therefore be deleted from the tariff.

DRA also protests a ministerial error by GTEC, noting that, in violation of General Order (G.O.) 96-A, Section III.D, several of GTEC's recent advice letters (including AL No. 5415) have been filed out of chronological order. Pointing out that GTEC's failure to file advice letters in sequence frustrates the purpose of the general order requirement, i.e., mitigation of confusion for the Commission and interested parties, DRA encourages the Commission to order GTEC to follow the G.O. 96-A requirement for filing advice letters chronologically.

On September 9, 1992, GTEC responded to DRA's protest. GTEC responded that it had filed a proposal and was waiting for the necessary response from CACD regarding its proposal to expand and make permanent its Business Line 800 Service tariff. GTEC stated due to time constraints experienced by CACD, GTEC had filed for an re-authorization of provisional service in order to allow CACD sufficient time to review the proposal. GTEC stated in did not specify a time period for the re-authorization of authority because it was then waiting to receive authorization from CACD, authorization it believed to be forthcoming shortly.

GTEC agreed that the promotional pricing language in the advice letter was inappropriate and deleted it by supplement filed with CACD on September 10, 1992.

With regard to its filing advice letters out of sequence, GTEC referred to its responses made pursuant to earlier DRA protests regarding the same issue. In comments filed in response to earlier DRA protests, GTEC, among other things, had denied that it had intended to confuse DRA or interested parties, claimed that the "delay in dates is unusual and simply due to unusual

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circumstance," and alleged that to reject advice letters "due to a numbering plan is frivolous and a detriment to GTEC's customers."

### DISCUSSION

We have reviewed Advice Letter No. 5415, DRA's protest, and GTEC's response to DRA's protest. We recognize that the authority for GTEC's Business Line 800 Service expired August 29, 1992 and needs to be renewed. We note that GTEC's option and responsibility to file for timely re-authorization of its provisional authority for the service were in no way prevented or impeded by CACD's pending review and response to GTEC's proposal for expansion of and permanent authority for the service.

We agree with DRA that the provisional authority for GTEC Business Line 800 Service should be renewed for 120 days, giving GTEC sufficient time to file, and CACD sufficient time to review, an advice letter requesting permanent authority for the service.

We also agree with DRA that GTEC should be given 30 days from the effective date of this Resolution to file for permanent authority for its Business Line 800 service.

GTEC is remiss in failing to follow G.O. 96-A requirements for filing advice letters and should be reproved for this failure and admonished that, in the future, the Commission expects advice letters to be filed in strict accordance with the general order. Failure to do so could result in sanctions being imposed on GTEC. GTEC should also take such steps as are determined by CACD to be necessary and proper to rectify any existing ministerial problems resulting from GTEC's failures to number and file its advice letters sequentially.

### FINDINGS

1. On August 13, 1992, GTE California, Inc. filed Advice Letter No. 5415 requesting an re-authorization of authority for its Business Line 800 Service tariff, provisional authority for which was granted in Commission Resolution T-14128.
2. The Division of Ratepayer Advocates protested GTEC's Advice Letter No. 5415 on September 2, 1992.
3. GTEC responded to DRA's protest on September 9, 1992.
4. On September 10, 1992, GTEC supplemented AL No. 5415, deleting promotional pricing provisions, thereby rendering DRA's protest on this issue moot.
5. A 120-day provisional renewal of GTEC's authorization for Business Line 800 Service is reasonable.

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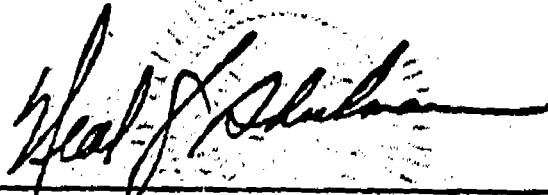
6. Giving GTEC 30 days from the effective date of this Resolution to file an advice letter requesting permanent authority for Business Line 800 Service is reasonable.
7. GTEC has violated the Commission's requirement (as specified in G.O. 96-A) that advice letters be numbered, dated, and filed in sequential order.

**THEREFORE, IT IS ORDERED that:**

1. GTE California, Inc., is granted authority to offer Business Line 800 Service, on a provisional basis, until January 13, 1993, or until further order of the Commission, under the same conditions imposed in Commission Resolution T-14128.
2. GTE California, Inc., shall file an advice letter requesting permanent authority for its Business Line 800 Service no later than October 16, 1992.
3. GTE California, Inc., is admonished to take steps to assure that its future advice letter filings are filed in strict adherence to the requirements of G.O. 96-A. Failure by the utility to do so may result in the Commission imposing sanctions on it.
4. GTE California, Inc., is ordered to cooperate with the Commission Advisory and Compliance Division in correcting and/or resolving any existing problems caused by the utility's failure to follow filing requirements of G.O. 96-A, as such problems are identified by CACD.
5. 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 September 16, 1992. The following Commissioners approved it:

DANIEL Wm. FÉSSLER  
President  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
NORMAN D. SHUMWAY  
Commissioners

  
NEAL J. SHULMAN  
Executive Director