

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-15730  
Telecommunications Branch June 8, 1995

R E S O L U T I O N

RESOLUTION T-15730. PACIFIC BELL (U-1001-C). REQUEST TO CONDUCT THIRD PARTY PROMOTIONS, TARIFF SCHEDULE CAL. P.U.C. NO. A5.12, EXCHANGE SERVICES.

BY ADVICE LETTER NO. 17275, FILED ON FEBRUARY 8, 1995.

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SUMMARY

This Resolution approves Pacific Bell's (Pacific) request in Advice Letter (AL) No. 17275 for authority to conduct third party promotions under Pacific's existing promotional pricing authority.

BACKGROUND

Resolution T-15613 granted Pacific expanded provisional authority to conform with the California Public Utilities Commission's (Commission) Implementation Rate Design (IRD) Decision, D.94-09-065. In its original request for expanded authority, AL No. 16987, Pacific requested that third party promotions be included as part of its promotional pricing authority. The original request was protested and Resolution T-15613 resolved the protests. However, Resolution T-15613 did not affirmatively approve Pacific's request to offer third party promotions in either the Ordering Paragraphs or Discussion section of Resolution T-15613. Pacific filed AL No. 17275 to seek explicit approval for third party promotions.

PROTESTS

Notice of this advice letter appeared in the Commission's Daily Calendar of February 26, 1995. The Commission Advisory and Compliance Division (CACD) received a protest to AL No. 16987 from AT&T Communications of California, Inc. (AT&T). This protest was timely and is being considered. Pacific responded to these protests on March 23, 1995.

AT&T's protest consists of two issues: First AT&T urges the Commission to require Pacific to identify any form of compensation that Pacific would provide to a third party partner. Second, AT&T requests any resolution granting third

party promotions should reiterate the restriction and safeguards which apply to Pacific's promotional pricing authority.

Pacific responds to AT&T's protest by stating that the Commission's IRD Decision and Pacific's current Promotional Pricing Authority, Resolution T-15613, provides the framework for all promotional pricing offerings and that restating such restrictions and safeguards for third party promotions would be redundant.

#### DISCUSSION

CACD has reviewed Pacific's AL No. 17275, AT&T's protest to this advice letter, and Pacific's response to AT&T's protest. CACD also reviewed the Discussion section and Ordering Paragraphs of Resolution T-15613. CACD's review of that Resolution concludes that the intent was to approve Pacific's third party promotion request in Advice Letter No. 16987. However, Resolution T-15613 does not explicitly grant Pacific's request for third party promotion. CACD recommends that the Commission approve AL No. 17275 and explicitly grant Pacific the authority to offer third party promotions.

With regard to AT&T's concerns that Pacific identify any form of compensation associated with third party promotions and that this Resolution reiterate the restrictions and safeguards that apply to Pacific promotional pricing authority, CACD concurs with Pacific's response. The restrictions and safeguards contained in the Commission's IRD Decision, D.94-09-065, and Pacific's current Promotional Pricing Authority, Resolution T-15613, apply to all promotional pricing offerings and third party promotions will also be subject to such restrictions.

#### FINDINGS

1. Pacific's Advice Letter No. 17275 requests authority to conduct third party promotions.
2. Pacific originally requested authority to conduct third party promotions in Advice Letter No. 16987.
3. Resolution T-15613, which addresses Advice Letter No. 16987, did not affirmatively approve Pacific's request to offer third party promotions in either the Ordering Paragraphs or Discussion section.
4. CACD has reviewed Advice Letter No. 17275 as well as Resolution T-15613 and finds Pacific's request to offer third party promotions reasonable and recommends its approval.

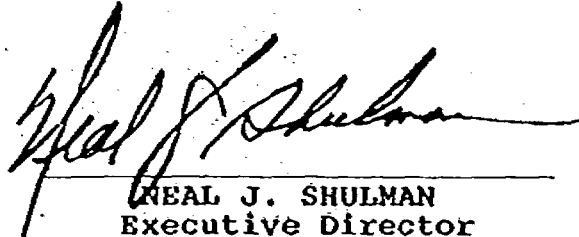
June 8, 1995

THEREFORE, IT IS ORDERED that:

1. Pacific Bell (Pacific) is authorized to offer third party promotions under its Promotional Pricing authority.
2. Advice Letter No. 17275 and its accompanying tariff sheets shall be marked to show that they were authorized by Resolution T-15730.

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 June 8, 1995. The following Commissioners approved it:



NEAL J. SHULMAN  
Executive Director

DANIEL Wm. FESSLER  
President  
P. GREGORY CONLON  
JESSIE J. KNIGHT, Jr.  
HENRY M. DUQUE  
Commissioners