



their price cap indices (PCIs) to exclude all OPEBs costs imbedded in their 1995 rates, including costs that were incurred during 1993 and 1994. *Id.*

3. On further reflection, we conclude that the proposed 1995 interstate access rates of NYNEX and Pacific Bell, to the extent they reflect the inclusion of 1993 and 1994 OPEB costs, warrant investigation. Accordingly, on our own motion, we hereby reconsider the *1995 Annual Access Order for Price Cap Carriers* to the extent that it requires NYNEX and Pacific Bell to remove from their 1995 access rates the OPEBs costs that were incurred by the carriers during 1993 and 1994. Furthermore, the tariff revisions filed by NYNEX and Pacific Bell are suspended for one day and are incorporated into the Commission's investigation in CC Docket No. 94-157. That investigation includes NYNEX Transmittal No. 328, which was filed by NYNEX to recover OPEB costs incurred during the period January 1, 1993 to October 16, 1994.<sup>3</sup> The investigation also includes Pacific Bell's Transmittal No. 1773, which was filed by Pacific Bell to recover OPEB costs incurred during 1993 and 1994.<sup>4</sup> In addition, the accounting order imposed in CC Docket No. 94-157 will apply to the NYNEX and Pacific Bell rates that are affected by this Order to facilitate any refunds that may later prove necessary. Finally, in a subsequent Order we will designate specific issues relating to NYNEX's and Pacific Bell's treatment of OPEBs costs incurred in 1993 and 1994, and will establish a pleading cycle for those issues.

### III. PROCEDURAL MATTERS

#### A. Ex Parte Requirements

4. *Ex Parte* contacts (i.e., written or oral communications which address the procedural or substantive merits of the proceeding which are directed to any member, officer or employee of the Commission who may reasonably be expected to be involved in the decisional process in this proceeding) are permitted in this proceeding during the time periods established by the Commission's rules. Written *ex parte* contacts must be filed on the day submitted with the Secretary and Commission employees receiving each presentation. For other requirements, see generally Section 1.200 *et seq.* of the Commission's Rules, 47 C.F.R. § 1.1200 *et seq.*

---

<sup>3</sup> Bell Atlantic Telephone Companies Tariff F.C.C. No. 1, Transmittal No. 690, NYNEX Telephone Companies Tariff F.C.C. No. 1, Transmittal No. 328, Pacific Bell Tariff F.C.C. No. 128, Transmittal No. 1738 and US West Communications, Transmittal No. 550, CC Docket No. 94-157, Memorandum Opinion and Order, 10 FCC Rcd 1594 (Com. Car. Bur. 1994) (*Bell Atlantic/NYNEX Investigation Order*).

<sup>4</sup> Pacific Bell Tariff F.C.C. No. 128, Transmittal No. 1773, US West Tariff No. 5, Transmittal No. 584, CC Docket No. 94-157, Memorandum Opinion and Order Suspending Rates, DA 95-604 (Com. Car. Bur., rel. March 24, 1995).

## B. Paperwork Reduction Act

5. The investigation established in this Order has been analyzed with respect to the Paperwork Reduction Act of 1980,<sup>5</sup> as amended by the Paperwork Reduction Act of 1995,<sup>6</sup> and found to impose no new or modified form, information collection requirements on the public. Implementation of any new or modified requirements will be subject to approval by the Office of Management and Budget as prescribed by the Act.

## V. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), the *1995 Annual Access Order for Price Cap Carriers*, finding the tariff revisions filed by NYNEX and Pacific Bell treating OPEBs costs incurred in 1993 and 1994 as exogenous and ordering NYNEX and Pacific Bell to recalculate the relevant indices, IS MODIFIED to the extent described herein.

7. Accordingly, IT IS ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a) and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the index revisions filed by the NYNEX Telephone Operating Companies and Pacific Bell treating OPEBs costs exogenously ARE SUSPENDED for one day and are subject to the investigation instituted in CC Docket No. 94-157. The NYNEX Telephone Operating Companies and Pacific Bell SHALL FILE a supplement no later than July 31, 1995, advancing the effective date of these revisions to July 31, 1995, and suspending these revisions one day to August 1, 1995

8. IT IS FURTHER ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), NYNEX and Pacific Bell SHALL KEEP ACCURATE ACCOUNT of all amounts received by reason of the rates that are subject to this investigation.

FEDERAL COMMUNICATIONS COMMISSION



A. Richard Metzger, Jr.  
Deputy Chief,  
Common Carrier Bureau

---

<sup>5</sup> 44 U.S.C. §§ 3501-3520.

<sup>6</sup> 44 U.S.C. §§ 3501-3520.