

2. Those CLCs listed in Appendix A filed petitions as authorized under D.95-07-054 on or before September 1, 1995, and possess the fitness and financial responsibility necessary to provide competitive local exchange service.

3. No protests to the petitions have been filed.

4. A hearing is not required.

5. Petitioners in Appendix A have demonstrated that they have a minimum of \$100,000 of cash equivalent reasonably liquid and readily available to meet their start-up expenses.

6. The Safety and Enforcement Division is currently investigating Communications TeleSystems International for alleged abusive marketing and business practices.

7. U.S. Long Distance, Inc. does not fit within the definition of a facilities-based competitive local carrier because it does not intend to use its own facilities to provide local exchange service.

8. Caribbean Telephone and Telegraph, Inc. and Venture Technologies Group, Inc. requested additional time to correct the deficiencies in their original filings.

9. Falcon Holding Group, L.P.'s petition was not filed in the Docket Office until September 5, 1995.

10. CEQA requires the Commission to assess the potential environmental impact of a project.

11. CACD has conducted an Initial Study of the environmental impact of the 40 facilities-based petitions received by September 1, 1995, and prepared a Mitigated Negative Declaration.

12. CACD has concluded that with the incorporation of all mitigation measures discussed in the Mitigated Negative Declaration, certification of the CLCs will result in no significant impact on the environment.

13. The conditions outlined in the Mitigation Monitoring Plan of the Mitigated Negative Declaration require the CLCs to provide

CACD quarterly reports on compliance with the established mitigation measures.

Conclusions of Law

1. The petitioners listed in Appendix A have the financial ability to provide the proposed service.

2. The petitioners listed in Appendix A have made a reasonable showing of technical expertise in telecommunications and related businesses.

3. Public convenience and necessity require the provision of competitive local exchange service to be offered by petitioners.

4. Petitioners listed in Appendix A are subject to:

- a. The 3.2% surcharge applicable to all intrastate services as defined in D.94-09-065 as amended by D.95-02-050, effective January 1, 1996, to fund the Universal Lifeline Telephone Service (PU Code § 879; Resolution T-15799, November 21, 1995);
- b. The 0.36% surcharge on all intrastate services as defined by D.94-09-065 as amended by D.95-02-050, effective January 1, 1996, to fund the California Relay Service and Communications Devices Fund (PU Code § 2881; Resolution T-15801, October 5, 1995);
- c. The user fee provided in PU Code §§ 431-435, which is 0.1% of gross intrastate revenue for the 1995-96 fiscal year (Resolution M-4778); and
- d. The California High Cost Fund surcharge of 0.5% of all intrastate services as defined in D.94-09-065 as amended by D.95-02-050.

5. The petitions listed in Appendix A for a Certificate of Convenience and Necessity (CPCN) should be granted to the extent set forth in the order below.

6. Communications TeleSystems International's (CTS) request for CLC authority should be deferred until the Commission has an

opportunity to review Safety and Enforcement's protest to determine whether CTS' complaint history is an impediment to granting a CPCN.

7. The petitions of CLCs who have filed but who do not meet the approval criteria for a CPCN should be denied or deferred for further review.

8. The limitation of liability provisions in petitioners' tariffs should be replaced with the limitation of liability language from Pacific's tariff in Appendix B or GTEC's limitation of liability tariff in Appendix C.

9. All tariff corrections described in Section V above and Appendix F should be incorporated into petitioners' compliance tariff filings.

10. The petitioners listed in Appendix A have agreed to and are required to carry out the specific mitigation measures outlined in the Negative Declaration to be in compliance with CEQA.

11. With the incorporation of the specific mitigation measures outlined in the Negative Declaration, the proposed projects will not have potentially significant environmental impacts.

12. Any CLC which does not comply with our rules for local exchange competition adopted herein or in further proceedings, shall be subject to sanctions including, but not limited to, revocation of its CLC certificate.

13. Because of the public interest in competitive local exchange service, the following order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to each of the petitioners listed in Appendix A to operate as facilities-based Competitive Local Carriers within the service

territories of Pacific Bell and GTE California, as described in each company's petition, subject to the conditions outlined below, the interim rules established in this proceeding, and Conclusion of Law No. 12 above.

2. Each petitioner shall file a written acceptance of the certificate granted in this proceeding on or before December 27, 1995.

3. Petitioners are authorized to file with this Commission on or before December 27, 1995, tariff schedules for the provision of local exchange and, for those companies so specified in Appendix A, intraLATA service. Petitioners may not offer the service specified in Appendix A until January 1, 1996. Any petitioner who files its tariff schedules after December 27, 1995, will have its tariffs become effective five days after filing. Petitioners' tariff filings shall be made in accordance with General Order (GO) 96-A, excluding Sections IV, V, and VI and will not include any changes from its original draft tariff included with its petition, except as amended by the corrections to its deficiency letter, or as amended by this decision.

4. Petitioners are competitive local exchange carriers (CLCs). The effectiveness of their future tariffs is subject to the schedules set forth in Appendix A, Section 4.E of D.95-07-054:

"E. CLCs shall be subject to the following tariff and contract filing, revision and service pricing standards [Contracts shall be subject to GO 96-A rules for NDIECs, except those for interconnection]

"(1) Uniform rate reductions for existing tariff services shall become effective on five (5) working days' notice to the Commission. Customer notification is not required for rate decreases.

- "(2) Uniform major rate increases for existing tariff services shall become effective on thirty (30) days' notice to the Commission, and shall require bill inserts, or a message on the bill itself, or first class mail notice to customers at least 30 days in advance of the pending rate increase.
- "(3) Uniform minor rate increases shall become effective on not less than five (5) working days' notice to the Commission. Customer notification is not required for such minor rate increases.
- "(4) Advice letter filings for new services and for all other types of tariff revisions, except changes in text not affecting rates or relocations of text in the tariff schedules, shall become effective on forty (40) days' notice to the Commission.
- "(5) Advice letter filings revising the text or location of text material which do not result in an increase in any rate or charge shall become effective on not less than five (5) days' notice to the Commission."

5. Petitioners may deviate from the following provisions of GO 96-A: (a) paragraph II.C.(1)(b), which requires consecutive sheet numbering and prohibits the reuse of sheet numbers, and (b) paragraph II.C.(4), which requires that "a separate sheet or series of sheets should be used for each rule." Tariff filings incorporating these deviations shall be subject to the approval of the Commission Advisory and Compliance Division's (CACD) Telecommunications Branch. Tariff filings shall reflect all fees and surcharges to which applicant is subject, as reflected in Conclusion of Law 4.

6. Petitioners in Appendix A shall file a service area map as part of their initial tariff, after the effective date of this order and consistent with Ordering Paragraph 3.

7. Petitioners in Appendix A shall notify this Commission in writing of the date local exchange service is first rendered to the public within 5 days after service begins. If a petitioner begins intraLATA service on a different date from when it begins local exchange service, the petitioner shall provide separate notification within 5 days after intraLATA service begins.

8. Petitioners in Appendix A shall keep their books and records in accordance with the Uniform System of Accounts specified in Title 47, Code of Federal Regulations, Part 32.

9. In the event the books and records of any petitioner are required for inspection by the Commission or its staff, petitioner shall either produce such records at the Commission's offices or reimburse the Commission for the reasonable costs incurred in having Commission staff travel to applicant's office.

10. Petitioners shall each file an annual report, in compliance with GO 104-A, on a calendar-year basis using the information request form developed by the CACD Auditing and Compliance Branch and contained in Appendix E.

11. Petitioners shall ensure that their employees comply with the provisions of Public Utilities Code (PU) Code § 2889.5 regarding solicitation of customers.

12. The certificates granted and the authority to render service under the rates, charges, and rules authorized will expire if not exercised within 12 months after the effective date of this order.

13. The corporate identification numbers assigned to each petitioner are included on Appendix A and shall be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

14. Within 60 days of the effective date of this order, each petitioner shown on Appendix A shall comply with PU Code § 708, Employee Identification Cards, and notify the Chief of CACD's Telecommunications Branch in writing of its compliance.

15. If any petitioner is 90 days or more late in filing an annual report or in remitting the fees listed in Conclusion of Law 4, CACD shall prepare for Commission consideration a resolution that revokes the petitioner's certificate of public convenience and necessity, unless the petitioner has received the written permission of CACD to file or remit late.

16. The limitation of liability provisions in petitioners' tariffs shall be replaced with the limitation of liability language from Pacific's tariff in Appendix B or GTEC's limitation of liability tariff in Appendix C.

17. Certificated CLCs as authorized under this decision shall be subject to the rights and obligations of interconnection with Pacific or GTEC as prescribed in the interim rules adopted in the companion decision being issued today in this docket.

18. The Final Negative Declaration including the Mitigation Monitoring Plan prepared by CACD and attached as Appendix D is hereby approved and adopted.

19. The petitioners in Appendix A shall comply with the conditions and carry out the mitigation measures outlined in the Negative Declaration contained in Appendix D to this order.

20. The petitioners in Appendix A shall provide the Director of the Commission Advisory and Compliance Division with reports on compliance with the conditions and implementation of mitigation measures under the schedule as outlined in the Negative Declaration.

21. Caribbean Telephone and Telegraph and Venture Technologies Group dba Allegro Communications shall file corrections to their petitions by January 15, 1996, if they wish to

be granted authority with the group of petitions seeking CLC resale authority effective March 1, 1996.

22. All petitioners listed in Appendix A shall file either maps or a written description of their facilities with the Commission Advisory and Compliance Division on or before December 27, 1995, pursuant to Appendix A of D.95-07-054. Such maps or descriptions must be adequate for staff to make the determination that the Competitive Local Carrier is providing service to any interested customers located within 300 feet of the company's facilities.

23. Cellular petitioners referenced in Section IV.C are directed to file supplemental information clarifying the service they propose to offer and how, if at all, it differs from their existing cellular service.

24. The petitioners or any other party of record to this proceeding or to I.93-12-007 may file briefs no later than January 15, 1996, and reply briefs no later than January 25, 1996, addressing the legal jurisdictional and other relevant issues involved in cellular and other Commercial Mobile Radio Service providers coming under this Commission's jurisdiction as CLC carriers.

25. CLCs shall comply with the Federal Communications Commission's Reconsideration Order on passing Calling Party Number.

26. The petitions are granted, under the terms and conditions as set forth above.

This order is effective today

Dated December 20, 1995, at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners

Appendix A

CLC Petitions Meeting Eligibility Requirements

	Company	Petition No.	Facilities-Based Authority Granted	Current User Fee No.	New User Fee No.
1	Advantage Communications Group, Inc.	15	Local	U-5317-C	
2	The Associated Group, Inc.	45	Local		U-5554-C
3	AT&T Communications of California, Inc.	38	Local	U-5002-C	
4	Brooks Fiber Communications of Bakersfield	24	Local		U-5544-C
5	Brooks Fiber Communications of Fresno	25	Local		U-5545-C
6	Brooks Fiber Communications of Sacramento	1	Local	U-5419-C	
7	Brooks Fiber Communications of San Jose	2	Local	U-5420-C	
8	Brooks Fiber Communications of Stockton	27	Local		U-5546-C
9	Cable Plus Company, L.P.	29	Local		U-5547-C
10	Century Telecommunications, Inc.	31	Local		U-5548-C
11	Continental Telecommunications of California	54	Local/IntraLATA		U-5549-C
12	Electric Lightwave, Inc.	23	Local	U-5377-C	
13	Fiber Data Systems, Inc.	46	Local	U-5166-C	
14	GST Lightwave (CA), Inc.	36	Local	U-5469-C	
15	GST Pacific Lightwave, Inc.	37	Local	U-5371-C	
16	GTE California, Inc.	50	Local	U-1002-C	
17	GTE Intelligent Network Services, Inc.	49	Local		U-5550-C
18	ICG Access Services, Inc.	20	Local	U-5406-C	
19	Info-Tech Communications	3	Local/IntraLATA		U-5551-C
20	Linkatel Pacific, L.P.	35	Local	U-5307-C	
21	MCI Metro Access Transmission Services, Inc.	32	Local	U-5253-C	
22	MFS Intelenet of California, Inc.	5	Local	U-5397-C	
23	NewTelco, L.P.	18	Local/IntraLATA		U-5552-C
24	Nextlink of California, L.L.C.	28	Local		U-5553-C
25	Pacific Bell	30	Local	U-1001-C	
26	Pac-West Telecomm, Inc.	7	Local	U-5266-C	
27	TCG Los Angeles	55	Local	U-5462-C	
28	TCG San Diego	56	Local	U-5389-C	
29	TCG San Francisco	57	Local	U-5454-C	
30	Viacom Communications, Inc.	33	Local/IntraLATA		U-5555-C
31	Winstar Wireless of California, Inc.	59	Local		U-5556-C

R.95-04-043, I.95-04-044 ALJ/TRP/tcg

APPENDIX B

PACIFIC BELL LIMITATIONS OF LIABILITY TARIFF

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY

A. LIMITATIONS

1. The provisions of this rule do not apply to errors and omissions caused by willful misconduct, fraudulent conduct or violations of law.
2. In the event an error or omission is caused by the gross negligence of the Utility, the liability of the Utility shall be limited to and in no event exceed the sum of \$10,000.
3. The Utility will not provide a credit allowance for interruptions of service caused by the customer's facilities, equipment, or systems. (N)
4. Except as provided in A3. of this rule, the liability of the Utility for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in any of the services or facilities furnished by the Utility up to and including its local loop demarcation point, including exchange toll, private line, supplemental equipment, alphabetical directory listings (excluding the use of bold face type) and all other services, shall in no event exceed an amount equal to the pro rata charges to the customer for the period during which the services or facilities are affected by the mistake, omission, interruption, delay, error or defect, provided, however, that where any mistake, omission, interruption, delay, error or defect in any one service or facility affects or diminishes the value of any other service said liability shall include such diminution, but in no event shall the liability exceed the total amount of the charges to the customer for all services or facilities for the period affected by the mistake, omission, interruption, delay, error or defect. (T)
5. Services Other Than Directory (T)

The following allowances are provided for interruptions in service, as specified for particular services furnished solely by the Utility. (T)

 - a. The Utility shall allow, for interruptions in service of 24 hours or more not due to conduct of the customer, an amount equal to the pro rata charges for each 24-hour period, or major fraction thereof after the initial period or interruption in the following services:
 - (1) Mobile telephone service.

Continued

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY (Cont'd)

A. LIMITATIONS (Cont'd)

4. Services Other than Directory (Cont'd)

a. (Cont'd)

(2) Private line services and channels, as follows:

Private line telephone service.¹

Private line teletypewriter and Morse services.¹

Channels for data transmission.¹

Channels for remote metering, supervisory control and miscellaneous signaling purposes.¹

Continuous time announcement service.¹

Channels for one-way speech networks in connection with loudspeakers.²

Channels for one-way program transmission networks in connection with loudspeakers.²

Channels for farmer lines and toll service station lines.

Bells and lights system attack warning service.

(3) Wide Area Telecommunications Service (Refer to Schedule Cal.P.U.C. No. A7.1, A.b.)

- b. The Utility shall allow for interruptions in exchange telephone service of 24 hours or more not due to conduct of the customer an amount equal to the fixed monthly charges for exchange service multiplied by the ratio of the days of interruption to thirty days. When interruptions continue beyond 24 hours, credit allowance will be given in successive 24-hour multiples.

NOTE 1: The allowance applies only to service within the same exchange area.

NOTE 2: The allowance applies only to station equipment and/or channel facilities.

Continued

NETWORK AND EXCHANGE SERVICES
A2. GENERAL REGULATIONS

- 2.1 RULES (Cont'd)
- 2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY (Cont'd)
- A. LIMITATIONS (Cont'd)
- 4. Services Other Than Directory (Cont'd)

c. RESERVED

(T)
(D)

(D)

d. The Utility shall allow for interruptions of 30 minutes or more not due to conduct of the customer (including authorized users) an amount equal to the pro rata charges in half-hour multiples for each 30-minute period or major fraction thereof after the initial period, of interruption in the following private line services and channels:

- (1) Private Line telephone service.
- (2) Private line teletypewriter and Morse Services.
- (3) Channels for data transmission.
- (4) Channels for remote metering, supervisory control and miscellaneous signaling purposes.
- (5) Continuous Time Announcement Service.

Continued

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY (Cont'd)

A. LIMITATIONS (Cont'd)

4. Services Other Than Directory (Cont'd)

d. (Cont'd)

- (6) Channels for the remote operation of private mobile radio-telephone systems.
- (7) Channels for one-way speech networks in connection with loudspeakers.
- (8) Channels for one-way program transmission networks in connection with loudspeakers.
- (9) Special assembly services and channels for miscellaneous experimental purposes.

The allowance on (1) preceding applies only to full period service. The allowance on Items (1) through (6) preceding applies only to service between separate exchange areas. The allowance on (8) and (9) preceding applies only to interexchange and interdistrict channels.

- e. The Utility shall allow for interruptions of 30 seconds or more not due to conduct of the customer or failure of facilities provided by the customer an amount equal to the pro rata charges in five-minute multiples for each five-minute period or major fraction thereof of interruption in the following private line services and channels.

- (1) Channels for program transmission in connection with loudspeakers, sound reproduction or sound recording.
- (2) Channels for video transmission in connection with television viewers.

- f. The Utility shall allow for interruptions of short period private line telephone service which aggregate one-sixth or more of the daily contract service not due to conduct of the customer (including authorized users) an amount equal to the pro rata charges for the period of interruption (excluding lost time made up later in the same day at the customer's request).

Continued

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY (Cont'd)

A. LIMITATIONS (Cont'd)

4. Services Other Than Directory (Cont'd)

- g. The Utility shall allow for interruptions of two consecutive hours or more not due to conduct of the customer or failure of facilities provided by the customer an amount equal to 1/720 of the fixed monthly charge for each hour or major fraction thereof of interruption in private line channels for television transmission for use in educational television systems.
- h. The Utility shall allow an amount calculated as shown in (2) below, for interruptions in Dataphone Digital Service based on the Average Station Value, as defined in (1) below, and the length of the interruption, not due to conduct of the customer or authorized user or failure of facilities provided by the customer or authorized user or due to the failure of the customer to authorize replacement of any element of special construction, as specified in Schedule Cal.P.U.C. No. B2.2.5. The period during which no credit allowance will be made shall begin on the seventh day after the customer receives the Utility's notification of the need for such replacement and shall end on the day after the Utility receives the customer's authorization for such replacement.

(1) Average Station Value

The average station value is calculated by dividing the total monthly charge for a service by the total number of stations on the service. The total monthly charge shall be comprised of all charges associated with the service, including charges for all equipment assigned to all Digital Station Terminals on the service.

Continued

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

- 2.1 RULES (Cont'd)
2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY (Cont'd)
A. LIMITATIONS (Cont'd)
4. Services Other Than Directory (Cont'd)
h. (Cont'd)

(2) Credit Allowances for Interruptions

For the purpose of determining the amount of allowance every month is considered to have 30 days and only those stations on the interrupted portions of a service shall be considered in determining the number of stations affected.

- An interruption credit allowance is determined by (i) calculating the Average Station Value for one full day (Average Station Value divided by 30 (days)) (ii) multiplying the result of (i) by the "credit" as specified following then (iii) multiplying the result of (ii) by the number of stations affected.
- Interruptions of 24 Hours or Less

<u>Length of Interruption</u>	<u>Credit</u>
Less than 30 minutes	None
30 minutes up to but not including 3 hours	1/10 day
3 hours up to but not including 6 hours	1/5 day
6 hours up to but not including 9 hours	2/5 day
9 hours up to but not including 12 hours	3/5 day
12 hours up to but not including 15 hours	4/5 day
15 hours up to 24 hours inclusive	One day

Two or more interruptions of 30 minutes or more during any period up to but not including 3 hours, shall be considered as an interruption.

-Interruptions Over 24 Hours

Credit will be allowed in 1/5 day multiples for each 3 hour period of interruption or fraction thereof. No more than one full day's credit will be allowed for any period of 24 hours.

Continued

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY (Cont'd)

A. LIMITATIONS (Cont'd)

4. Services Other Than Directory (Cont'd)

- i. The Utility shall allow for interruptions in the Gemini 100 offering of 24 hours or more not due to conduct of the customer an amount equal to the proportionate part of the fixed monthly charges in multiples of one day for each 24 hours or major fraction thereof for the Gemini 100 component service items rendered inoperative by the interruption. Allowance for interruptions of exchange service or private line service with which the Gemini 100 system is associated are subject to the provisions set forth in a., b. and d. preceding.

For purposes of these regulations, an interruption is deemed to exist from the time it is reported to or detected by the Utility.

5. Subject to Section 3 of this rule the Utility shall allow for errors or omissions in alphabetical telephone directories (excluding the use of bold face type) an amount within the following limits:
 - a. For listings in alphabetical telephone directories furnished without additional charge, an amount not in excess of the minimum monthly charge to the customer for exchange service during the effective life of the directory in which the error or omission occurred.
 - b. For listings and lines of information in alphabetical telephone directories furnished at additional charge set forth in Schedule Cal.P.U.C. No. A5.7, an amount not in excess of the charge for that listing or line of information during the effective life of the directory in which the error or omission occurred.
 - c. For listings in information records furnished without additional charge, an amount not in excess of the minimum monthly charge to the customer for exchange service during the period the error or omission continued.
 - d. For listings in information records furnished at additional charge, an amount not in excess of the charge for the listing during the period the error or omission continued.
 - e. For listings in telephone directories furnished in connection with mobile telephone service, an amount not in excess of the guarantee and fixed charges for the service during the effective life of the directory in which the error or omission occurred.

Continued

Advice Letter No. 14889

Issued by

Date Filed: MAR 4 1985

Decision No.

Robert B. Roche

Effective: APR 18 1985

Executive Director - State Regulatory

Resolution No. T10914

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY (Cont'd)

A. LIMITATIONS (Cont'd)

6. Temporary Suspension for Repairs

The Utility shall have the right to make necessary repairs or changes in its facilities at any time and will have the right to suspend or interrupt service temporarily for the purpose of making the necessary repairs or changes in its system. When such suspension or interruption of service for any appreciable period is necessary, the Utility will give the customers who may be affected as reasonable notice thereof as circumstances will permit, and will prosecute the work with reasonable diligence, and if practicable at times that will cause the least inconvenience.

When the Utility is repairing or changing its facilities, it shall take appropriate precautions to avoid unnecessary interruptions of conversations or customer's service.

7. Errors in Transmitting, Receiving or Delivering Oral Messages by Telephone

The Utility shall not be liable for errors in transmitting, receiving or delivering oral messages by telephone over the lines of the Utility and connecting utilities.

8. Loss Arising From Non-Delivery of Written Messages

The Utility shall be liable for loss or damage that may occur in the course of the employment of any messenger not to exceed twenty-times the charge for such messenger service, and shall be liable for loss or damage that may occur in the transmission of any message over its lines not to exceed the amount received for sending same.

9. Errors in Information Furnished by Directory Assistance Operators

Subject to provisions of Section 3. of this rule, the Utility shall allow a credit for errors in telephone numbers or other information furnished by the Utility's Directory Assistance Operators in accordance with Schedule Cal.P.U.C. No. A5.7.4 an amount not in excess of the charge for a call to Directory Assistance, dialed direct or placed through another utility operator (i.e. "0" operator) as appropriate to the call on which the error occurred. For direct dialed calls, the credit will only apply if the customer has exceeded their allowance and incurred a charge.

Continued

R.95-04-043, I.95-04-044 ALJ/TRP/tcg

APPENDIX C

GTE OF CALIFORNIA LIMITATIONS OF LIABILITY TARIFF

RULE NO. 26

LIMITATION OF LIABILITY

A. Liability

1. The provisions of this rule do not apply to errors and omissions caused by willful misconduct, fraudulent conduct or violations of laws.
2. In the event an error or omission is caused by the gross negligence of the Utility, the liability of the Utility shall be limited to and in no event exceed the sum of \$10,000.
3. Except as provided in Sections 1 and 2 of this rule, the liability of the Utility for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in any of the services or facilities furnished by the Utility including exchange, toll, private line, alphabetical directory listings (excluding the use of bold face type), and all other services shall in no event exceed an amount equal to the pro rata charges to the customer for the periods during which the services or facilities area affected by the mistake, omission, interruption, dealy, error or defect, provided, however, that where any mistake, omission, interruption, delay, error or defect an any one service or facility affects or diminishes the value of any other service said liability shall include such diminution, but in no event shall exceed the total amount of the charges to the customer for all services or facilities for the period affected by the mistake, omission, interruption, delay, error or defect. (T) ✓

B. Credit Allowance - Services other than Directory

The following allowances are provided for interruptions in service, as specified for particular services furnished by the Utility:

1. The Utility shall allow, for interruptions in service of 24 hours or more not due to conduct of the customer, an amount equal to the pro rata charges for each 24-hour period, or major fraction thereof after the initial period of interruption in the following services:

NOTE: The allowance on Items a. and b. applies to services within the same or different exchanges.

- a. Mobile Telephone Service
- b. Air Raid Warning Systems

Continued

RULE NO. 26

LIMITATION OF LIABILITY - Continued

B. 1. - Continued

c. Special Access Services and Channels, as follows: (T)

NOTE: The allowance on Items (1) through (13) applies only to service within the same exchange area.

- (1) Special Access Telephone Service. (T)
- (2) Speaker-Microphone Service.
- (3) Special Access Teletypewriter Service. (T)
- (4) Channels for Data Transmission.
- (5) Channels for Program Transmission in connection with Loudspeakers, Sound Reproduction or Sound Recording.
- (6) Channels for One-Way Speech Network in Connection with Loudspeakers.
- (7) Wideband Services.
- (8) Digital Data Service.
- (9) Channels for Remote Metering, Supervisory Control and Miscellaneous Signaling Purposes
- (10) Alarm Transport Service.
- (11) Loudspeaker Paging System Service.
- (12) Optinet High Capacity Digital Service.
- (13) Optinet Switched Digital Service
- (14) Channels for the Transmission of Closed Circuit Television Signals.
- (15)
- (16) Channels for the Remote Operation of Private Mobile Radiotelephone Systems.

Continued

RULE NO. 26

LIMITATION OF LIABILITY - Continued

B. 1. - Continued

d. Wide Area Telephone Service

Where credit is allowed against initial charges, the initial period shall be reduced in the same proportion, and additional hourly rates shall apply to each hour or major fraction thereof for Wide Area Telephone Service furnished in excess of the initial period as so reduced.

e. Special Service Arrangements.

2. The Utility shall allow, for interruptions in exchange telephone service of 24 hours or more not due to conduct of the customer, an amount equal to the fixed monthly charges for exchange service multiplied by the ratio of the days of interruption to thirty days. When interruptions continued beyond 24 hours, credit allowance will be given in successive 24-hour multiples.
3. The Utility shall allow, for interruptions of 30 minutes or more not due to conduct of the customer (including authorized users), an amount equal to the pro rata charges in half-hour multiples for each 30-minute period, or major fraction thereof after the initial period, of interruption in the following private line services and channels:

NOTE: The allowance on Items a. through h. below applies only to services between separate exchanges areas.

- a. Special Access Line Telephone Service. (T)
- b. Special Access Line Teletypewriter Service. (T)
- c. Channels for Data Transmission
- d. Channels for Remote Metering, Supervisory Control and Miscellaneous Signaling Purposes.
- e. Speaker-Microphone Service.
- f. Wideband Services.

Continued

GT

General Telephone Company of California
Santa Monica, California
An Equal Opportunity Employer
FORM RR 7200 (3-73)

SCHEDULE Cal. P.U.C. No. D&R
7th Revised Sheet 57.3
Cancelling 6th Revised Sheet 57.3

RULE NO. 26

LIMITATION OF LIABILITY - Continued

B. 3. - Continued

- g. Channels for One-Way Speech Network in Connection with Loudspeakers.
- h. Channels for the remote operation of private mobile radiotelephone systems.
- 4. The Utility shall allow, for interruptions of 30 seconds or more not due to conduct of the customer (including failure of facilities provided by the customer), an amount equal to the pro rata charges in five-minute multiples for each five minute period or major fraction thereof of interruption in private line channels for program transmission in connection with loudspeakers, sound reproduction or sound recording.
- 5. The Utility shall allow, for interruptions of two consecutive hours or more not due to conduct of the customer (including failure of facilities provided by the customer), an amount equal to 1/720 of the fixed monthly charge for each hour or major fraction thereof of interruption in private line channels for television transmission for use in closed circuit educational television service.

For purposes of these regulations, an interruption is deemed to exist from the time it is reported to or detected by the Utility.

C. Credit Allowances - Directory

Subject to the provisions of Section A.3 of this rule the Utility shall allow, for errors or omissions in alphabetical telephone directories (excluding the use of bold face type), an amount within the following limits:

- 1. For listings in alphabetical telephone directories furnished without additional charge, an amount not in excess of the minimum monthly charge to the customer for exchange service during the effective life of the directory in which the error or omission occurred.

X
X

X

X Correction

Continued

(To be inserted by utility)

(To be inserted by Cal.P.U.C.)

Advice Letter No. **4612**

Issued by

Date Filed

Decision No.

RICHARD L. OHLSON

Effective **JAN 23 1981**

RULE NO. 26

LIMITATION OF LIABILITY - Continued

C. - Continued

2. For listings and lines of information in alphabetical telephone directories furnished at additional charge, as set forth in Schedule Cal. P.U.C. No. D-1 an amount not in excess of the charge for that listing during the effective life of the directory in which the error or omission occurred. x
3. For listings in information records furnished without additional charge, an amount not in excess of the minimum monthly charge to the customer for exchange service during the period the error or omission continued. x (T)
4. For listings in information records furnished at additional charge, an amount not in excess of the charge for the listing during the period the error or omission continued. (T)
5. For listings in telephone directories furnished in connection with mobile telephone service, an amount not in excess of the guarantee and fixed charges for the service during the effective life of the directory in which the error or omission occurred. (T)

x Correction

Continued

(To be inserted by utility)

Advice Letter No. 4841

Decision No.

Issued by

SPENCER C. HERZBERGER
Vice President - Revenue Requirements

(To be inserted by Cal. P.U.C.)

Date Filed NOV 30 1983

Effective DEC 31 1983

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R.95-04-043, I.95-04-044 ALJ/TRP/tcg

APPENDIX D

FINAL NEGATIVE DECLARATION AND INITIAL STUDY