

deletion of the last sentence of the rule and certain other modifications.

We agree that LECs should not be singled out for providing interoperability of operator services, but that it should be the reciprocal responsibility of all local carriers to assure that such services are mutually provided. The interoperability of operator services between networks is essential for seamless local exchange service among carriers to succeed. We shall, therefore, direct both LECs and CLCs to arrange such interoperability by mutual agreement.

7. **Customer Proprietary Network and
Subscriber List Information**

a. **Introduction**

Rule 11(G) of the April 26, 1995 Order proposed:
LECs and CLCs shall develop mutually agreeable and reciprocal arrangements for the protection of their respective customer proprietary network information.⁶

Rule 11.H of the April 26, 1995 Order, proposed the following requirement regarding the inclusion of CLC customer listings in LEC telephone directories:

H. With respect to the publishing of telephone directories, the following provisions shall apply to LECs:

- (1) LECs shall provide nondiscriminatory access (i.e., access on the same terms and conditions and price available to the competitive businesses of the LECs or their affiliates) to LEC

⁶ The term Customer Proprietary Network Information (CPNI) is the term used to refer to the Federal Communications Commission's (FCC) requirements and specific procedures governing the treatment of customer information by the RBOCs designed for the protection of competing enhanced service providers.

subscriber information associated with publishing and telephone directories, subject to the requirements of PU Code Sections 2891 and 2891.1.

- (2) LECs shall include CLCs' customers' telephone numbers in their "White Pages" and directory listings associated with the areas in which the CLC provides local exchange telecommunications services to its customers, except for CLC customers who desire not to have their telephone numbers appear in such listings and databases, at no charge to the CLC or its customer.
- (3) For any listing beyond a basic listing in the "White Pages," CLC customers must pay nondiscriminatory rates established by the LEC or its affiliates.
- (4) Each CLC shall provide the LEC with its directory listings and updates to those listings in a format required by the LEC, which format shall be provided to the CLC by the LEC on a magnetic or computer disc.
- (5) CLC customers shall have the right to be listed and purchase advertising in the LEC's "Yellow Pages" under the same terms and conditions as the LEC's customers.
- (6) LECs shall distribute the local "White" and "Yellow Pages" directories to all CLC customers in a given service area at no charge.
- (7) LECs shall include in the section of the "White Pages" that precedes customer listings,

information concerning each CLC on the same basis that it includes the information for itself or its LEC affiliates offering local-exchange telecommunications service in the geographic area covered by the relevant "White Pages" at the rates established in D.94-09-065.

b. Parties' Positions

Pacific proposes that rule 11.H(1) be deleted and replaced with a rule that places reciprocal obligations for the release of information on any local carrier. Pacific argues that the Commission's proposed rule would restrict CLCs to using LEC DA services, rather than a competitive alternative, if they so choose. Pacific believes the DA market is competitive today.

Pacific objects to the requirement that LECs provide subscriber list access on the "same terms and conditions and price available to competitive businesses of the LECs or their affiliates." Pacific finds such terms competitively harmful and unnecessary for competition in this area.

Pacific argues that the information essential to competitive directory providers should be identified, while allowing the LECs to provide it in the most efficient manner possible. Pacific believes it would disrupt existing LEC computer systems and directories if listings currently unavailable to non-LEC publishers on privacy grounds were also withheld from the LECs. Pacific's proposed language has been agreed to by the Yellow Pages Publishers Association and the ADP for inclusion in any federal legislation.

Pacific also proposes amending its Reproduction Rights tariff to:

Provide daily business listing activity, in addition to the monthly activity currently provided.

Expand record layout to include Classified List Heading as obtained by Pacific.

Expand the record to include additional information that will further aid publishers in publication of their directories (e.g., indicators for capitalization, listing codes to identify main listings from additional listings).

Expand the allowable uses of listings to include directories in any form (CDROM, Electronic) rather than limiting the use to printed directories

Restructure and reduce current prices.

In addition, Pacific proposes to include using subscriber list information for voice DA applications. Pacific believes this approach promotes telecommunications competition without injuring any subscriber's privacy rights. Pacific proposes changing the Reproduction Rights tariff and DA from a Category I to a Category II service.

Pacific notes that its proposed enhancements to the Reproduction Rights product line will not provide everything which ADP requested, but that current laws and regulations restricting the release of proprietary and confidential customer information prevent them from satisfying ADP's request for billing name and address and unpublished information for directory delivery. Pacific states that providing nonpublished information to non-LEC publishers, for delivery or for any other purpose, would violate PU Code Section 2891 and be inconsistent with the Commission's decision in the Donnelly case (D.91-01-016).

Pacific offers clarification of the language in Rule 11.H(4) to indicate its preference to receive listing data electronically. Pacific notes that we do not have regulatory jurisdiction over its Directory subsidiary, and that PBD's First Amendment rights preclude any governmental agency from compelling PBD to deal with anyone respecting the acceptance of advertising

unless a violation of antitrust or antidiscrimination laws is involved.

Pacific views Rule 11.H(7) as ambiguous and objects to an interpretation that would permit CLCs to purchase space in one or several directories published by Pacific because of the additional cost involved. Pacific proposes that CLCs only be permitted to purchase space in all of the directory listing areas served by the individual CLC at the rates established in the Implementation Rate Design decision and currently tariffed in Pacific's state access tariff.

Pacific objects to the proposal in GTEC's May 24, 1995, comments "that intercompany arrangements like 411 service should not be handled by rule or mandate, but by mutually acceptable agreement between parties, which can best be tailored to meet the needs of the service provider." Pacific believes there is no justification for "free" sharing of listings between competitive DA providers as we move into an increasingly competitive marketplace.

The August 18, 1995, ruling permitted parties to address the issue of consumer privacy rights in LEC databases. (Pacific comments, p. 7-11, 10/23.)

GTEC states that the Commission is precluded by PU Code Section 728.2 from regulating LECs' yellow pages, and recommends that there should be no reference to "yellow pages" in the Commission's adopted rules. GTEC states that it is willing to include CLC customer listings in its directories. GTEC states that it will also distribute the directories, but intends to pass on to the CLC all costs incurred for secondary distribution to the CLC's customers, even though provided free of charge to the LEC's end-users, since GTEC is charged by the directory company for all secondary distribution.

GTEC believes that it has proprietary rights in its directories, the underlying directory databases, and the listings provided to the LEC for inclusion in the directories.

ADP contends that unfair discriminatory treatment in the provision of subscriber listing information by LECs can, and does, occur in the (a) timely delivery of the information (b) its bundling with unnecessary and unneeded information, (c) its pricing, and (d) its incomplete content vis a vis those same elements as they are accorded LEC affiliates.

ADP believes the provision of this basic directory listing data should be at cost, as the Commission's proposed Rule 11 indicates, and that cost should be the mere incremental cost of reproducing the data for competitors of the LEC affiliates, since the LECs collect this data as a matter of course in the provision of local exchange service. ADP believes that CLC directory listings should be provided to Pacific for inclusion on a gratis basis in Pacific data bases, so long as those same listings are then made available on the exact same gratis, timely, nondiscriminatory basis to independent directory publishers by Pacific. In other words, ADP believes the independent directory publishers should be treated precisely the same as all of Pacific's affiliates in the receipt and use of the information.

On the issue of delivery of directories with CLC information contained therein, ADP believes that the LECs must make a timely list of addresses of all published and nonpublished CLC and LEC customer business and residential numbers, including newly connected customers. ADP's review of California law does not indicate that any privacy law impedes the provision of the nonpublished information, so long as it is not associated with a customer name.

Metromail's concern is that the compensation for LEC listings be low enough so as to make the licensing of these listings profitable to provide DA services. Presently, listing

information is a "no charge" item to the incumbent LEC. Their costs in providing DA services are dictated merely by the cost of capital for the DA platform and infrastructure, and the cost of labor for handling the DA call. While Metromail believes that their client base is able to compete on these two cost components, excessive costs for listing information could substantially alter the ability of both Metromail, other LECs, or third parties to compete in this market.

In general, the Coalition believes that LECs should treat any customer information provided to them which is designated by a CLC as confidential, in a manner which prohibits and protects against the disclosure of such information to any LEC personnel or organization which can use the information for LEC marketing-related activities. While the Coalition desires to engage in further discussion and negotiations with Pacific and GTEC before committing to existing FCC Open Network Architecture (ONA) CPNI procedures as adequate to protect CLCs in a competitive environment, the Coalition is willing to consider those CPNI procedures as a starting point for discussions. The Coalition proposes that LECs and CLCs attempt to negotiate terms for LEC protection of CLC CPNI and report their agreement or the need for Commission resolution of any disputes.

The Coalition argues that Commission rules governing access to competitively sensitive customer information be designed to equalize the competitive positions of LECs and CLCs.

The Coalition further proposes that LECs provide on an equal and nondiscriminatory basis any and all customer-specific information they provide internally for their own marketing purposes. If the Commission is concerned with customer privacy, the solution proposed by the Coalition is for the Commission to establish rules which restrict the LECs' use of customer-specific information for marketing purposes. The Coalition proposes equal and reciprocal access to customer-specific information for use in

marketing telecommunications services as the rule to be applicable to CLCs and LECs.

Pacific notes that issues concerning consumer privacy rights are the subject of an open Commission proceeding, I.90-01-033. Pacific believes that consumer surveys, public witness hearings, and other empirical work, are needed to give the Commission the necessary insight into the privacy expectations of customers.

c. Discussion

We shall adopt proposed Rule 11(G) as an interim measure which relies on mutual negotiation among service providers for resolving the treatment of customer proprietary information. We recognize that there are a number of complex issues relating to customer privacy rights, as well as the respective rights of competitors to obtain access to each others' commercially sensitive data. We shall be examining the need for formulating more detailed rules in this area as part of Phase III of the proceeding.

We shall adopt Pacific's proposed revision to Rule 11.H.(1), since it is consistent with our theme of creating reciprocal rights and obligations among LECs and CLCs. We shall not require that proprietary or confidential customer information be provided to third parties, the disclosure of which would lead to a violation of Commission Rules 34 and 35 and PU Code Sections 2891 and 2891.1.

We find that Pacific's proposed revisions to its Reproduction Rights Tariff are reasonable and should be adopted.

We will leave it to the LECs and CLCs to negotiate mutually agreeable arrangements for the distribution of White and Yellow Page directories to all CLC customers in a given service territory. We shall consider in Phase III the need for either workshops, further comments, or evidentiary hearings on the issues of CLCs' rights to be included in LECs' directory listings and the appropriate compensation for CLC access to directory listings. On

an interim basis, CLCs shall be charged the rates established in D.94-09-065. We shall allow the CLCs discretion to determine in which LEC directories they wish to be listed.

8. Nondiscriminatory Access to Rights-of-Way

Rule 12 of the Commission's Order of April 26, 1995, proposed the following requirement regarding the access to LECs rights-of-way by CLCs:

LECs shall allow nondiscriminatory access by CLCs to essential facility rights of way, conduits, pole attachments, and building entrance facilities.

The Coalition proposes that rules be adopted providing CLCs with nondiscriminatory access to all LEC rights of way, conduits, pole attachments, and building entrance facilities. The Coalition cites Section 767 and Section 7901 as authorizing the use of LEC facilities by other telecommunications providers. To ensure meaningful competition, the Coalition argues that the adopted rules must ensure that the LECs are not able to create unnecessary or unreasonable barriers or impose excessive charges for access to LEC facilities.

The Coalition proposes rules governing the assessment of charges and allocation of costs for access to LEC facilities, prohibitions of unnecessary or excessive "make-ready" charges, prompt LEC processing of CLC applications for access to LEC facilities, and liability and indemnification for losses arising out of the use of LEC facilities.

MFS objects to Pacific's proposed limitation on access to rights of way to only those instances "where space is available." MFS believes such a clause would serve to enable the LEC to deny access as a matter of its own discretion.

Pacific agrees that access to LEC rights of way, conduit, poles and building entrance facilities is beneficial to competition. Pacific agrees to continue providing access to surplus capacity to parties who request it. Pacific argues that

the Coalition's proposed rules are not reciprocal, although PU Code Section 767 provides for access by any utility to the outside plant facilities of another utility. Pacific believes that its current conduit and pole attachment programs will be sufficient to handle the needs of entering CLCs. Pacific proposes that the Commission should wait and see how this issue is handled by pending federal legislation in HR 1555. Pacific believes that this topic should be subject to industry negotiation. Once the federal legislation is clear, Pacific proposes that the Commission initiate workshops to negotiate nondiscriminatory reciprocal access to rights of way of all utilities in the state.

GTEC believes that access should be reciprocal, with CLCs required to provide the same access to LECs as LECs are required to provide to CLCs. GTEC states that failure to provide reciprocal access would be discriminatory and violate the principle of reciprocity embodied in PU Code Section 709.5(e). GTEC also believes that any rule governing access to rights-of-way or structural space must provide for compensation for use of the right-of-way or structural space. GTEC states such compensation was contemplated by the Legislature when they enacted PU Code Section 767.7(b). GTEC believes that any rule governing access to rights-of-way must recognize that many of the rights of way were privately negotiated and cannot be freely transferred or divided without the underlying owner's consent. GTEC recommends that rather than tampering with existing private rights-of-way and easements, the CLCs should be required to enter into their own agreements. Finally, GTEC believes that access to rights-of-ways can best be accomplished through mutual agreement rather than rules and mandates.

Citizens agrees with the Commission's proposed rule, but believes the rule should be extended to be reciprocal and impose the same requirements on CLCs as are imposed on LECs.

DRA states that all competitors should have an equal opportunity to obtain reciprocal access to each others' facilities under similar terms and conditions. DRA accordingly recommends that access to rights-of-way be offered at rates, charges, rules and conditions set forth in filed Commission tariffs. DRA proposes that any complaints regarding rights-of-way and related access issues be resolved on an expedited basis.

GTEC objects to DRA's proposal to require both LECs and CLCs to post tariffs governing the rates and charges for access to essential facility rights-of-way as impractical and unnecessary. GTEC argues that considerable flexibility is needed to manage access to rights-of-way on a case-by-case basis. GTEC advocates that the parties should negotiate appropriate contracts for access to rights-of-way, subject to parties' rights to file complaints with the Commission for recourse if the owner of the rights-of-way is thought to have acted unreasonably or unlawfully.

Discussion

We recognize that access by both LECs and CLCs to essential facilities rights-of-way, conduits, poles, and building entrance facilities are important for the development of a truly competitive marketplace. Parties' comments raise a number of complex legal issues which cannot be readily resolved through detailed rules covering every situation that may arise. Accordingly, we shall direct the parties to negotiate any necessary rights-of-way access through contract. We shall consider at a later time the need to further define parties' rights to access through a combination of workshops or legal pleadings, as appropriate. In the event that parties cannot reach agreement on rights of way issues, we shall direct them to file complaints before us for prompt resolution.

Findings of Fact

1. D.95-07-054 authorized CLC candidates to file petitions for authority to offer competitive local exchange service within the service territories of Pacific and GTEC.
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 on a resale basis.
3. No protests to the petitions have been filed with the exception of Communications Telesystems International.
4. A hearing is not required (except possibly for CTS).
5. Petitioners in Appendix A have a minimum of \$25,000 of cash equivalent, reasonably liquid and readily available to meet their start-up expenses.
6. CLC resellers will not directly own any of the facilities used in the provision of local service.
7. D.94-12-053 formally adopted a procedural plan to implement the Commission's stated goal of opening all telecommunications markets to competition by January 1, 1997.
8. R.95-04-043/I.95-04-044 was instituted to develop rules for competitive local exchange service.
9. D.95-07-054 adopted initial rules in certain limited areas sufficient to enable prospective CLCs to file petitions for authority by January 1, 1996, to enter the local exchange market.
10. D.95-12-056 adopted additional rules regarding interconnection and related service features to facilitate the entry of facilities-based CLCs into the local market January 1, 1996.
11. The initial rules for local competition adopted in D.95-07-054 set March 1, 1996, as the implementation date for the competitive bundled resale of local exchange service within the service territories of Pacific and GTEC.
12. Pacific and GTEC filed proposed tariffs for bundled resale on October 2, 1995, subject to parties' review and comment.

13. Meet-point arrangements are important to enable CLCs to operate as full service local phone companies, including the ability to originate and terminate long distance calls.

14. Where two-way trunks are used for CLC interconnection, the necessary automatic number identification detail will not be passed to Pacific's 900 central office and Pacific will need a complete call record from the CLC to allow proper recording of the call.

15. Technically adequate service ordering interfaces are necessary to enable CLCs to offer a quality of service competitive with that of the LECs.

16. LECs and CLCs require mutual billing and collection agreements so that providers can accept each others' telephone line number and other nonproprietary calling cards and can bill collect or third-party calls.

17. Pacific and GTEC currently offer DA service to IECs under tariff.

18. DA service is a competitive service with LECs, long distance carriers, and third parties currently offering competing services.

19. CLCs and LECs that do not provide DA service can purchase the service from a LEC, another carrier, or a third party.

20. The subscriber listing information in the databases of providers of DA service has economic value.

21. Pacific has agreed to expand its Reproduction Rights tariff to include use of subscriber listing information for DA applications.

22. LIDB and 800 database services are currently offered by the LECs.

23. CLCs and LECs have access to LIDB and 800 database services through self-provisioning arrangements with IECs, third-party vendors, and LEC interstate tariffs.

24. Pacific will tariff LIDB and 800 database services.

25. Access to LIDB and 800 database services is a competitive service.

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 or related businesses.
3. Since CLC resellers do not use any of their own facilities and will not be constructing facilities of any kind, it can be seen with certainty that granting their petitions will not have an adverse impact on the environment.
4. Public convenience and necessity require the provision of competitive local exchange service to be offered by petitioners.
5. 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 0.27% of all intrastate services as defined in D.94-09-065 as amended by D.95-02-050 (Resolution T-15826, December 20, 1995.)
6. The petitions listed in Appendix A should be granted a CPCN to the extent set forth in the order below.

7. The petitions of CLCs who do not currently meet the approval criteria for a CPCN should be converted to applications for further review.

8. The limitation of liability provisions in petitioners' tariffs should be replaced with the limitation of liability language from Pacific's or GTEC's limitation of liability tariffs, as shown in Appendices B and C of D.95-12-057.

9. All tariff corrections described in Section III(H) above and Appendix C should be incorporated into petitioners' compliance tariff filings.

10. 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.

11. Pacific and GTEC should revise their CLC resale tariffs to provide for a free DA calling allowance consistent with the allowance provided to LEC end-users.

12. GTEC should revise its CLC resale tariff to remove CLC branding restrictions.

13. The interim rules set forth in Appendix D conform to Commission goals for the promotion of local exchange competition and should be adopted.

14. LECs and CLCs should establish reciprocal meet-point billing and compensation arrangements through mutual agreement.

15. The merits of single versus multiple billing formats for switched access should be examined in a technical workshop.

16. CLCs who interconnect over other than a one-way trunk should provide the LEC with a complete call record of all calls originating on the CLC's network and directed to the LEC's information service platform.

17. LECs should provide an online automated ordering system interface for use by the CLCs to enable CLCs to offer service quality competitive with that of the LECs.

18. If a CLC provides access to an information services platform, the CLC must conform to the rules in D. 91-03-021, as identified for IECs.

19. LECs and CLCs should negotiate mutual agreements for intercompany arrangements consistent with the adopted rules set forth in Appendix D, Section 11.

20. LECs should report monthly to CACD on held orders related to orders placed by CLCs.

21. Billing and collection on third-party calls to a number served by another provider should be arranged by mutual agreement pending further Commission action following technical workshops.

22. All signalling protocols and related elements used in the routing of local and interexchange traffic should make available all signalling resources and information necessary for the routing of local and interexchange traffic.

23. Carriers that resell DA service should provide their subscriber information at no charge to the incumbent LEC, so that DA service offers a complete listing of all appropriate customers.

24. LECs that provide DA service should include other LEC and CLC customers in their DA database that serves the same geography at no charge to other LECs or CLCs, if the listings are provided at no charge.

25. It is reasonable that LECs and CLCs that resell DA service should also agree that LEC and CLC DA service providers can keep all revenues from the use of the unified database containing their subscriber information.

26. Setting prices competitively for DA listing information is appropriate for LEC and CLC providers.

27. LEC and potential CLC providers that offer subscriber listing information to other providers should make the information available to all DA providers under the same terms and conditions.

28. Requiring LECs to provide directory publishers with access to LEC subscriber information on the same terms and

conditions and prices as provided to LEC affiliates is inconsistent with D.91-01-016 (the Donnelly complaint case).

29. Access to the LEC's subscriber information database and provision of subscriber listings by the LEC is not an essential service.

30. LECs and CLCs should mutually negotiate access to, and charges for, rights-of-way, conduits, pole attachments, and building entrance facilities on a nondiscriminatory basis.

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

ORDER

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 Competitive Local Carriers with authority to resell local exchange service 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.

2. Each petitioner shall file a written acceptance of the certificate granted in this proceeding on or before February 29, 1996, for an effective date of March 1, 1996. Petitioners filing a written acceptance after February 29, 1996, shall have their certificates effective five business days thereafter.

3. Petitioners are authorized to file with this Commission on or before February 29, 1996, tariff schedules for the provision of resale of local exchange service. Petitioners may not offer the service specified in Appendix A until March 1, 1996. Any petitioner which files its tariff schedules after February 29, 1996, 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. CACD shall have until March 15, 1996 to review the tariffs filed by February 29, 1996 (with a day-for-day extension for tariffs filed thereafter) and to notify the competitive local exchange carriers (CLCs) of any deficiencies in their filings.

5. Petitioners listed in Appendix A are 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 "

6. Petitioners in Appendix A 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 5.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 B.

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

13. 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.

14. 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.

15. 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.

16. If any petitioner is 90 days or more late in filing an annual report or in remitting the fees listed in Conclusion of Law 5, 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.

17. The limitation of liability provisions in petitioners' tariffs shall be replaced with the limitation of liability language

from Pacific's or GTEC's limitation of liability tariffs as shown in Appendices B and C of D.95-12-057.

18. Reseller CLCs are exempted from the provisions of PU Code Sections 816-830.

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

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

21. The petitions of the CLCs listed in Appendix A are granted, under the terms and conditions as set forth above.

22. The petition of Communications Telesystems International (CTS) shall be converted to an application and shall not be acted upon until the Commission's Safety and Enforcement Division completes a full investigation of CTS' marketing practices.

23. The petitions of Caribbean Telephone and Telegraph, Allegro Communications, and Working Assets Funding Service shall be converted to applications and processed in the normal course of Commission business.

24. The interim rules set forth in Appendix D are adopted effective March 1, 1996.

25. The Commission Advisory and Compliance Division is directed to convene a series of technical workshops under a schedule to be noticed during the month of March 1996 addressing at a minimum the following topics and others as relevant:

- a. Requirements for monthly reporting of CLC service ordering provisioning by the LECs and for the service order process.
- b. Billing and collection procedures for jointly provisioned switched access services and for Information Provider services.

- c. Issues relating to inclusion of CLCs in LECs' directory listings and compensation for CLC access to directory listings.
- d. Provisions for an independent customer information clearinghouse through which all telecommunications service providers access to customer data bases.
- e. Issues relating to reciprocal carrier access to rights-of-way to essential facilities.

This order is effective today.

Dated February 23, 1996, 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
For Resale of Local Exchange Service

Company	Petition No.	Current User Fee No.	New User Fee No.
1 ADNET Telemanagement, Inc.	9	U-5310-C	
2 AddTel Communications, Inc	17	U-5309-C	
3 Advantage Communications Group, Inc.	15	U-5317-C	
4 AT&T Communications of California, Inc.	38	U-5002-C	
5 AWM Messaging Corporation dba Priority 1+ Long Distance	21	U-5323-C	
6 Bakersfield Cellular Telephone Company	40	U-3017-C	
7 Bittel Telecommunications, Inc.	10	U-5146-C	
8 Brooks Fiber Communications of Bakersfield	24	U-5544-C	
9 Brooks Fiber Communications of Fresno	25	U-5545-C	
10 Brooks Fiber Communications of Sacramento	1	U-5419-C	
11 Brooks Fiber Communications of San Jose	2	U-5420-C	
12 Brooks Fiber Communications of Stockton	27	U-5546-C	
13 Business Discount Plan dba L.D. Long Distance Plan	63	U-5364-C	
14 Cable & Wireless, Inc.	28	U-5056-C	
15 CalTech International Telecom Corp.	28	U-5493-C	
16 Cellular 2000	58	U-3037-C	
17 Century Telecommunications, Inc.	31	U-5548-C	
18 Continental Telecommunications of California	54	U-5549-C	
19 Dial & Save of California, Inc.	60	U-5526-C	
20 Electric Lightwave, Inc.	23	U-5377-C	
21 Extelcom, Inc. dba Express Tel	8	U-5047-C	
22 Fiber Data Systems, Inc.	46	U-5166-C	
23 Fibernet, Inc	13	U-5290-C	
24 Genesis Communications International, Inc.	19	U-5477-C	
25 GST Lightwave, Inc.	36	U-5469-C	
26 GST Pacific Lightwave, Inc.	37	U-5371-C	
27 GTE California, Inc.	50	U-1002-C	
28 GTE Card Services, Inc.	51	U-5494-C	
29 GTE Mobilnet of California, Inc	48	U-4028-C	
30 ICG Access Services, Inc.	20	U-5406-C	
31 Info-Tech Communications	3	U-5551-C	
32 LCI International Telecom Corporation	39	U-5270-C	
33 L.D. Services, Inc	53	U-5297-C	
34 Linkatel Pacific, L.P.	35	U-5307-C	
35 Long Distance Charges, Inc.	64	U-5561-C	

Company	Petition No.	Current User Fee No.	New User Fee No.
36 Mammoth Cellular Corp.	43	U-3025-C	
37 MCI Metro Access Transmission Services, Inc.	32	U-5253-C	
38 MFS Intelenet of California, Inc.	5	U-5397-C	
39 Napa Valley Telecom dba Ameritel	47	U-5044-C	
40 National Comtel Network, Inc	16	U-5341-C	
41 Newtelco dba The Sprint Telecommunications Venture	18	U-5552-C	
42 Nextlink of California, L.L.C.	28	U-5553-C	
43 NucomNet	34		U-5583-C
44 Pacific Bell	30	U-1001-C	
45 Pac-West Telecom, Inc.	7	U-5266-C	
46 Preferred Long Distance, Inc	6	U-5502-C	
47 SLO Cellular, Inc.	41	U-3044-C	
48 TCG Los Angeles	55	U-5462-C	
49 TCG San Diego	56	U-5389-C	
50 TCG San Francisco	57	U-5454-C	
51 Tele-matic Corp.	65	U-5484-C	
52 The Associated Group dba Associated Communications of Los Angeles	45	U-5554-C	
53 The Telephone Connection of Los Angeles	44	U-5522-C	
54 Unitel Communications	42	U-5558-C	
55 Universal Pacific Communications, Inc	14	U-5250-C	
56 U.S. Long Distance, Inc	61	U-5485-C	
57 U.S. Voice Telemanagement, Inc	11	U-5431-C	
58 Winstar Wireless of California, Inc.	59	U-5356-C	
59 WorldCom Inc. (formerly LDDS Communications) dba LDDS Worldcom	12	U-5378-C	

(END OF APPENDIX A)

APPENDIX B

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INFORMATION REQUESTED OF COMPETITIVE LOCAL CARRIERS

TO: ALL COMPETITIVE LOCAL CARRIERS

Article 5 of the Public Utilities Code grants authority to the California Public Utilities Commission to require all public utilities doing business in California to file reports as specified by the Commission on the utilities' California operations.

A specific annual report form has not yet been prescribed for the California's competitive local carriers. However, you are hereby directed to submit an original and two copies of the information requested on the following page no later than March 31st of the year following the calendar year for which the annual report is submitted.

Address your report to:

California Public Utilities Commission
Auditing and Compliance Branch, Room 3251
505 Van Ness Avenue
San Francisco, CA 94102-3298

Failure to file this information on time may result in a penalty as provided for in §§ 2107 and 2108 of the Public Utilities Code.

If you have any question concerning this matter, please call
(415) 703-1961.