

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

James Nyhan, Terri Tavita, and Joelle Del Carlo,

Complainants,

vs.

MCI WorldCom Communications, Inc.,

Defendant.

Case 04-07-045
(Filed July 27, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING ASIDE SUBMISSION
FOR RECEIPT OF ADDITIONAL INFORMATION**

On November 10, 2004, I mailed a draft decision which recommends that the complaint be dismissed for failure to state a cause of action. The complaint concerns the pay telephone service that MCI WorldCom Communications, Inc. (MCI) provides to the California Department of Corrections, where James Nyhan (Nyhan) is an inmate. Nyhan filed comments on November 22, 2004. Among other things, the comments clarify that the relief sought in this proceeding includes a list of the carriers in the states of California and New York with whom MCI has billing arrangements that permit it to recover charges for collect calls made from the prison. Under the MCI contract and associated tariffs, MCI will not complete a collect call made by an inmate unless it has a billing arrangement in place with the customer of record at the number called.

While this request for relief should have been pleaded in the complaint, I will set aside submission, pursuant to Rule 87 of the Commission's Rules of Practice and Procedure, in order to address it.¹

MCI shall provide the following information on or December 10, 2004:

1. Do either the contract or the associated tariffs governing the pay telephone service at issue in this proceeding require MCI to provide public notice of the local carriers with which it has a billing arrangement?
2. If neither the contract nor the tariffs governing the pay telephone service at issue in this proceeding require MCI to provide public notice of the local carriers with which it has a billing arrangement, how are affected persons to establish which local carriers have such billing arrangements?
3. Which local carriers in the states of California and New York have billing arrangements with MCI that meet MCI's requirements for completing inmate collect calls from correctional facilities in California?

¹ Rule 87, in relevant part, requires liberal construction of the Commission's Rules "to secure just, speedy, and inexpensive determination of the issues presented" and provides that "[i]n special cases and for good cause shown, the Commission may permit deviation from the rules."

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge’s Ruling Setting Aside Submission for Receipt of Additional Information on all parties of record in this proceeding or their attorneys of record.

Dated December 2, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission’s policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.