

ORIGINAL

Decision No. 45942

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES KILBURG CORPORATION, )  
Complainant, )

vs. )

Case No. 5223

THE PACIFIC TELEPHONE & TELEGRAPH COMPANY, )  
Defendant. )

INTERIM ORDER

James Kilburg Corporation heretofore filed a complaint herein alleging, among other things, that it is the manufacturer of an automatic dialing instrument called "Dialaphone" and that it is being prevented from marketing such device because of Rule and Regulation 15 of the tariff of The Pacific Telephone & Telegraph Company, with reference to attachments. The complainant prayed that this Commission issue an order finding such tariff provision inapplicable to Dialaphone or that such provision was unreasonable and arbitrary.

The Pacific Telephone & Telegraph Company filed an answer controverting the material allegations of the complaint. Upon the issues joined, public hearings were held at the conclusion of which, the complainant moved this Commission for an order authorizing a field test of Dialaphone as applied to customer telephone sets actually in use in defendant's system. The defendant opposed a field test as being neither necessary nor desirable.

The Commission, after hearing the parties hereto and upon consideration of the record herein, is of the opinion, that a

laboratory test of Dialaphone should be made at the Bell Laboratories, Murray Hill, New Jersey, in accordance with the specifications and subject to the conditions hereinafter set forth. The Commission in ordering such test to be made does not mean thereby to imply that it may not order any other test or tests in other laboratories or field tests of such kind and character as it may deem just and proper in the premises.

Now therefore, good cause appearing,

IT IS ORDERED that:

(1) Laboratory tests of the Dialaphone shall be held at the Bell Laboratories, Murray Hill, New Jersey.

(2) Such tests shall be conducted to:

a. Determine to what extent, if any, Dialaphone will reduce circuit holding time, incorrect dialing of telephone numbers, and the time savings, if any, that can be realized by the users of Dialaphone.

b. Determine the mechanical and electrical compatibility of Dialaphone with 25 standard telephone sets as shall be selected, at random, from 200 such sets withdrawn from service in California.

(3) Tests set forth in paragraph (2) a and b shall:

a. Proceed concurrently and shall be commenced not later than 15 days after the date this order takes effect.

b. Conclude within 60 days from the commencement thereof and compilation of data obtained shall be completed within 15 days thereafter.

c. Be objective and unbiased. A group of 20 persons shall be chosen for dialing manually and with the Dialaphone and shall be selected by probability experts to secure such group of 20

persons representing dialing skills among the best, average and poorest.

(4) James Kilburg Corporation shall deliver 12 currently manufactured Dialaphones to Bell Laboratories at Murray Hill, New Jersey, and shall make available specified drawings of Dialaphone as might be required from time to time, in order to conduct the tests hereinabove set forth.

(5) The parties hereto may each appoint two representatives of their own choosing to attend the performance of all tests. Such representatives in no way shall participate in, interfere with, or obstruct the conduct of such tests.

(6) Neal C. Hasbrook, or such other member of its staff, as the Commission may designate, shall be present during the course of such tests for the purpose of observing compliance or noncompliance with this order.

(7) Normal maintenance of the Dialaphone subjected to the tests shall be accomplished by either or both of complainant's representatives. No alterations resulting from changes in design shall be made in such Dialaphone during the progress of the tests. All Dialaphones used during the tests shall be returned to James Kilburg Corporation at the conclusion thereof.

(8) Photostatic copies of the daily and final test records, as each is completed, shall be forwarded to the Commission, without change, for introduction into evidence in this proceeding.

(9) The parties herein shall not publicize the tests for which provision has hereinabove been made, or the results thereof, except that reference may be made to this order.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 10th day of July, 1951.

Q. J. [Signature]  
Justin J. Casper  
John E. Mitchell  
Harold Hule  
COMMISSIONERS