

ORIGINALDecision No. 48366

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES KILBURG CORPORATION, a
California corporation,)

Complainant,)

vs.)

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,)

Defendant.)

Case No. 5223

THIRD INTERIM OPINION AND ORDER

The Commission, in Decision No. 46861 (Second Interim Order herein) authorized complainant and defendant to cause tests of the device known as "Dialaphone" to be made in a laboratory or laboratories of their several choice.

Pursuant to such order 12 Dialaphones were tested upon behalf of defendant, by the Bell Laboratories, at Murray Hill, New Jersey. Six Dialaphones were tested for complainant by the Stanford Research Institute, Stanford, California.

Complainant and defendant each has placed in evidence exhibits and testimony in connection therewith relating to such tests.

Bell Laboratories conducted its tests from April 8 to June 13, 1952. Such tests were broadly comprehensive and exhaustive. Defendant's exhibits and testimony indicate that the Dialaphones were tested in conjunction with 17 telephones removed from service in California and that such Dialaphones were not operated under conditions which would obtain under normal usage. It appears that during the course of such tests approximately 24,775

seven-digit numbers were originated on the 12 Dialaphones. There resulted 147 failures (including misdialings) of which 125 were mechanical and 22 were manipulative.

Stanford Research Institute performed its tests from May 21 to June 13, 1952. The Institute subjected the Dialaphones, used in connection with 12 telephone instruments removed from service in its Engineering Department and nine telephone instruments furnished by defendant, to tests for electromechanical compatibility and operational characteristics. The evidence shows that of 15,498 seven-digit numbers set up by use of the Dialaphones, the correct number was obtained 15,249 times. It appears that of the 249 cases in which errors occurred, 59 were caused by operator mistakes, six by failure of the test equipment and 184 by mechanical failure of the Dialaphones. One Dialaphone, a specially prepared instrument to which nine thermocouples had been attached to monitor operating temperatures and into the mechanism of which some soldering flux had penetrated, accounted for 52 per cent of the failures of all the Dialaphones.

According to witnesses for complainant, the Dialaphone would not harm the physical telephone equipment and has reached the stage of development which indicates its design is workable.

Defendant's witnesses testified that the Dialaphone did not have an adverse effect upon the pulse rate of the telephone when carefully adjusted to the telephone and such adjustment remained unaltered. Such testimony also indicated that the Dialaphone would not harm defendant's central office equipment.

The conclusions which complainant and defendant drew from such laboratory tests, while somewhat conflicting, permit the assumption that use of Dialaphone does not unduly impair telephone equipment or service. The Commission is of the opinion that field

tests would assist it in equitably resolving the contrary contentions put forward by the parties hereto. Under such circumstances, to authorize field tests of the Dialaphone would not contravene previous decisions of this Commission concerning telephone company rules and regulations prohibiting the use of foreign attachments.

Therefore, the complainant and defendant are directed to confer, in concert with the Commission's staff, within twenty days after the date hereof, in order to settle the terms and conditions upon and under which field tests shall be conducted. Pending the issuance of the definitive order herein, Rule 15 of defendant's Schedule Cal. P.U.C. No. 36-T, original sheet 58 will be suspended only for the purpose of the field testing of Dialaphone.

In making this decision the Commission is not passing upon the question as to whether the Dialaphone is an attachment within the meaning of such rule.

Therefore, good cause appearing:

IT IS ORDERED that Rule 15 of The Pacific Telephone and Telegraph Company's Schedule Cal. P.U.C. No. 36-T, original sheet 58, is suspended only for the purpose of field testing the device known as "Dialaphone" and until further order of the Commission.

Dated at San Francisco, California, this 17th day of March, 1953.

R. J. [Signature]
President.

Justin F. Cassler
Harold P. [Signature]

[Signature]
[Signature]
Commissioners.