

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Norman M. Glenn, et al.
and Norma Glenn

Complainant,

vs.

Case No. 7287

Pacific Telephone & Telegraph Co.,

Defendant.

Norman M. Glenn, in propria persona.
Arthur T. George and Maurice D. L.
Fuller, Jr., for defendant.

O P I N I O N

The complaint in this case was filed February 28, 1962. Subsequently certain irrelevant allegations were stricken therefrom by Commission order. Defendant then was required to serve and file its answer, which was done on April 13, 1962. The complaint alleges that Norman M. Glenn was a lessee of defendant's cross-street directory; that such directory was stolen from his car which theft he promptly reported to defendant and that he requested the defendant to issue him a bill for the cost of the book to enable him to send it to his insurance company and to recover its insurance value. Further the complaint alleges that defendant refused to issue a bill for the full amount of the lost directory, representing that it could not issue such a bill, but asserting that if complainant, Norman M. Glenn, subscribed to a current issue of the directory, he would be charged only with the time he used such directory, or

in the alternative defendant could assess against him charges of more than \$90.00, plus the original charge for the directory.

The prayer of the complaint, among other things, requests that defendant be required to render a bill showing lawful charges, "accounting fully for the charge of \$150.00" and that such charges be adjusted for the period after the first two months "when loss was reported and request for the bill was made".

Public hearing was held in Oakland on May 29, 1962, before Examiner Rowe. Evidence was adduced and the matter was submitted as of June 8, 1962, to afford complainant, Norman M. Glenn, an opportunity before that date, to return to defendant's office the second cross-street directory which had been delivered to him and thereby effect adjustment of the ultimate tariff cost to \$97.50. Defendant indicated a willingness to make such adjustment, but complainant had not returned such directory by the above submission date.^{1/}

From the evidence it appears and the Commission finds that on October 24, 1960, complainant, Norman M. Glenn, contracted for and commenced to lease from defendant an Oakland Street Address Telephone Directory for consecutive service periods of six months; that on or about April 21, 1961 complainant, Norman M. Glenn,

^{1/} Subsequent to submission of this case a letter dated June 8, 1962, was received by the Commission from complainant, Norman M. Glenn, advising that he was mailing such directory to defendant. On June 13, 1962, defendant informed the Commission that a cross-street directory was received from complainant, Norman M. Glenn, but that such directory was not the replacement delivered to him on April 25, 1961; instead it was either the directory originally leased to him and which the complainant alleged was lost or stolen, or it was another directory identical in content and printed at the same time as the one first leased to him.

reported to defendant that said directory had been lost; that on said date he may have requested that defendant present a bill which he could submit to some unidentified insurance company, but that if such request was made, it was withdrawn when he was informed by defendant that he could receive a current cross-street directory and subscribe for a second six-months' period by paying \$7.50 over and above the current monthly payments. The Commission further finds that complainant, Norman M. Glenn, was carefully instructed as to the tariff provisions covering the leasing of this directory; that such tariff provisions do not involve any forfeiture or penalty in view of the retained value of street address directories; that as of March 7, 1962, complainant, Norman M. Glenn, owed the sum of \$142.50 under said lease for directory use; that he at all times possessed and had control of either the directory originally delivered to him or the replacement delivered to him on or about April 25, 1961, and that he has failed to prove that defendant in any way refused or neglected to render service in accordance with its filed tariffs, rules and obligations to the public.

O R D E R

Based upon the evidence of record and the above findings,

IT IS ORDERED that the relief requested by this complainant is denied and Case No. 7287 is dismissed.

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

Dated at San Francisco, California, this 10th day of July, 1962.

George B. Trover
President
W. J. [unclear]
E. [unclear]
Covert [unclear]
Frederic B. [unclear]
Commissioners