

Decision No. 65120

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CURTIS O. REYNOLDS, et al)
 Complainants,)
 vs.)
 PACIFIC TELEPHONE COMPANY,)
 a corporation,)
 Defendant.)

Case No. 7472

John Stanton, for complainants.

Don B. Baynton, Curtis O. Reynolds, James E. Harrison, Lionel S. Reynolds, Robert H. Baker, Don Bacon, Deryl R. Daugherty, David L. Fulwiler, F. W. Maselskis, and Erwin Sklar, complainants.

Arthur T. George and Maurice D. L. Fuller, Jr., by Maurice D. L. Fuller, Jr., for defendant.

Eugene S. Jones, for the Commission staff.

O P I N I O N

Public hearing was held before Examiner Patterson on November 29, 1962, at Oceanside, on which date the matter was submitted. Testimony was presented on behalf of complainants by eleven witnesses all of whom were complainants. Defendant presented testimony through one witness.

This complaint was filed on October 23, 1962, and was answered on November 23, 1962. Fifty-two of defendant's subscribers located in the southern portion of the city of Oceanside were the complainants. At the hearing four additional subscribers, also located in the south Oceanside area, were joined as complainants. Complainants allege in substance as follows:

1. Defendant has decided to change complainants' telephone numbers, removing their phones from the SARatoga 2 exchange and placing them in the PARKway 9 exchange.

2. Approximately 850 telephones are involved, approximately 75 of them being for business telephones.

3. The complete change of numbers will work extreme hardship on the business and professional subscribers involved in that many items of stationery will have to be replaced; telephone numbers will have to be changed on trucks and door signs; present numbers are listed or advertised in directories; patients or clients contacting complainants only occasionally and who dial old numbers and are answered by someone else may assume complainants have moved and place their business elsewhere; and some residents of Oceanside who prefer to do business with other Oceanside residents, on seeing the Carlsbad exchange numbers, would assume complainants are in Carlsbad and call someone with an Oceanside exchange number.

4. Lines serving business telephones can easily be separated from the balance of the cable to be cut, and with minimal expense, leaving the business phones as before.

5. With the proposed change the SARatoga 2 exchange will again be filled by the end of 1963 when defendant will require another exchange and the Carlsbad exchange will also be filled by the end of 1963.

6. The requirements of the service do not demand the changes in telephone numbers proposed by defendant.

Complainants ask that defendant be ordered to leave the business telephones in south Oceanside in the SARatoga 2 exchange and leave the numbers of the present subscribers unchanged.

The record shows, among other things, and we find, that:

1. Defendant's Oceanside exchange includes within its boundaries both the community of Oceanside and the community of Carlsbad.
2. Defendant does not operate a Carlsbad exchange.
3. Said Oceanside exchange contains two central offices, the Oceanside First Street central office which bears the designation SARATOGA 2 and the Oceanside Harding central office which bears the designation PARKWAY 9.
4. At the time of the hearing the City of Oceanside was served exclusively from the First Street central office except for approximately 225 subscribers served from the Harding central office who are located in south Oceanside east of the area being considered herein for transfer.
5. Virtually the entire City of Carlsbad is served from the Harding central office.
6. Commencing at 10 p.m. on December 8, 1962, defendant planned to transfer approximately 800 subscribers, including complainants, from the First Street to the Harding central office.
7. Said transfer involves a change to entirely new telephone numbers for the subscribers, including the last four digits of the numbers, as well as the change from the SARATOGA 2 to the PARKWAY 9 designation.
8. In connection with the change which was to be made in the entire area to all-number calling, after December 22, 1962, the SARATOGA 2 designation was to be changed to 722 and the PARKWAY 9 designation was to be changed to 729.

9. The change in telephone numbers will not affect the local calling area of the subscribers or the rates and charges applicable.

10. The new directories in which the proposed changed numbers will be listed was being prepared at the time of the hearing and distribution of such directories was to be commenced on December 13 and completed on December 22, 1962.

11. The listing in the new directories was to be on the all-number basis and, as in the present directories, was to designate the community in which a subscriber is located, such as Oceanside or Carlsbad.

12. The costs associated with reprinting pages containing listings of the subscribers involved in the transfer so as to change the telephone numbers back to the original numbers would be over \$100,000.

13. Although defendant alleged that notice of the proposed change in the telephone numbers was sent to all those to be included in the transfer by an undated letter which was mailed approximately June 22, 1962 (Exhibit 2), six of the complainants did not receive said letter.

14. The wording of the letter was so framed that it was interpreted by some recipients as referring to the general change to all-number calling and not as notice of other modification of their telephone numbers.

Defense

Defendant based its defense upon four principal factors:

1. Reasonable changes in telephone numbers for central office designations may be made under the provisions of defendant's filed tariffs which provide:

"The assignment of a number to a subscriber's telephone service will be made at the discretion of the Company. The subscriber has no proprietary right in the number, and the Company may make such reasonable changes in telephone number or central office designation as the requirements of the service may demand" (Schedule Cal. P.U.C. No. 36-T, 1st Revised Sheet 63, Rule and Regulation 17(D)).

2. The change of these telephone numbers is being made to relieve congestion in the Oceanside First Street central office. In support of this factor, defendant's witness testified that at the end of October, 1962, the First Street office was serving 8,759 main stations which was 259 stations over the engineered capacity of 8,500 main stations; failure to relieve the congestion in the First Street central office would result in deterioration of service provided from that central office; the present growth rate in the area served from the First Street central office is 500 new stations a year as compared with 250 stations a year from the Harding central office; he would not anticipate that the telephone numbers of subscribers involved in the present change of numbers would again be changed at any time within the next four or five years.

3. Steps have been taken to minimize the effect upon subscribers whose telephone numbers are being changed by having advised them approximately five months before the change so that they had ample time to plan accordingly; that the change in telephone numbers was timed so that it would be made at approximately the same time as the directories would be issued listing the new telephone numbers; and that referral service will be given following the change for two weeks for residential subscribers and for six months for business subscribers.

4. The filing of the complaint herein was not timely in that defendant commenced the physical work associated with such change in approximately September, 1962; the preparation of print for the new directories containing the new telephone numbers of affected subscribers began on November 5, 1962; and the distribution of such directories was scheduled to be completed by December 22, 1962.

Findings

The Commission had before it a similar complaint in Crocker Hotel Co. v. Pacific Telephone (1942), 44 C.R.C. 127, in which the operator of the Hotel St. Francis in San Francisco sought to restrain a telephone utility in its proposed change of the telephone number retained by the hotel for more than 30 years, alleging that continued possession of such number was of great value to the hotel. In dismissing the complaint the Commission stated in part as follows:

"The intricate mechanical equipment of a modern telephone plant is not designed to permit each subscriber the privilege of selecting a number agreeable to him or to retain for all time the number first assigned. The same is true of the name prefixed to the number, for both are but an identifying device by means of which a multitude of telephone connections may be made. * * *

"The company's filed tariff rules provide that a patron obtains no proprietary right to a particular number assigned to his service connection and that reasonable changes in numbers and central office equipment may be made as the company's requirements demand. Similar rules are uniformly approved by state regulatory bodies as essential to the maintenance of efficient service to telephone subscribers generally. The rule itself is not challenged. There is no indication that the proposed action of the company is arbitrary or capricious. * * * It is our conclusion that we should not and may not appropriately issue the restraining order requested."

The situation in the case now before the Commission is substantially the same. There is no indication in the record that the change is arbitrary or capricious; rather the transfer is being made to relieve congestion in the Oceanside First Street central office.

On December 18, 1962, attorneys for complainants filed a petition to set aside submission and reopen the proceeding primarily upon the grounds that following the change to the new prefixes, information given by defendant's operators, on long distance calls and under the referral service provided, has tended to identify complainants as located in Carlsbad rather than Oceanside. This aversion of complainants to being identified in any way with Carlsbad is not a new matter for it pervades the record made at the hearing. Moreover, the matter of provincialism (a designation provided by complainants) is not determinative of the issues in this proceeding. The petition for reopening will be denied.

Defendant is under no obligation to arrange its central office designations as defined by the first three digits or prefixes of telephone numbers so as to coincide with boundaries of political subdivisions or communities. Indeed, if defendant were to follow such a procedure, it is apparent that plant and facilities would not be used to full capacities, with the result that increased costs would be reflected in higher rates to subscribers. The record shows that the transfer of subscribers' services from one central office to another central office, as considered in this proceeding, is simply one of many such transfers which are involved in defendant's systems from time to time and which are effected to maximize the

utilization of plant. The record shows that in each of the last two years some thirty similar transfers have been made affecting 22,000 to 23,000 subscribers' numbers each year.

We are not unmindful of the inconvenience to, and the added costs experienced by, subscribers such as complainants whose telephone numbers are so changed, and we are of the opinion that had the letter notice to the subscribers, Exhibit 2, been specific rather than illustrative and had the matter of "all numbers" not been injected into the letter, the subscribers would have been more adequately informed as to the impact of the change. We will expect that in any future changes similar to this, where telephone numbers are being completely changed, defendant will exercise extreme care to ensure that the subscribers affected are clearly and precisely informed.

After considering the entire record in this proceeding, we find that the changes in complainants' telephone numbers being made by defendant are necessitated by reasonable requirements of the service, that they are within the provisions of the defendant's filed tariffs, and that the complaint should be dismissed.

O R D E R

IT IS ORDERED that the petition to set aside submission and reopen proceedings is denied.

IT IS FURTHER ORDERED that the complaint herein is dismissed.

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

Dated at San Francisco, California, this 19th day of March, 1963.

George T. Trover
President

John E. [unclear]

Robert W. [unclear]

Frederic B. Halaloff

William W. Bennett
Commissioners