

Decision No. 68678**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Suspension and Investigation on the Commission's own notion of covering the elimination of the Automatic Tone Device in connection with Recorder Connector Equipment when used in connection with certain Fire and Police Department emergency calls, filed by The Pacific Telephone and Telegraph Company.

Case No. 8032  
(Filed October 6, 1964)

Pillsbury, Madison & Sutro, John A. Sutro, George A. Sears, John A. Sutro, Jr., and Arthur T. George, by George A. Sears and John A. Sutro, Jr., for respondent.  
 Bacigalupi, Elkus & Salinger, by Claude N. Rosenberg, for California Water & Telephone Company (respondent in Case No. 7915); Albert M. Hart, for General Telephone Company of California (respondent in Case No. 7915); F. T. Searls and John C. Morrissey, by John C. Morrissey, for Pacific Gas and Electric Company; William L. Knecht, for California Farm Bureau Federation; Neal C. Hasbrook, for California Independent Telephone Association; and John W. Burnham, for the City of Los Angeles, Los Angeles Fire Department and Los Angeles Police Department; interested parties.  
Elinore Charles and Ermet J. Macario, for the Commission staff.

O P I N I O N

This suspension and investigation proceeding was heard before Examiner Coffey and submitted for decision on October 14, 1964. It was consolidated for hearing with Case No. 7915, an investigation into the service offering of telephone monitoring equipment under filed tariffs by telephone corporations, in which a separate decision will be issued.

On September 25, 1964, The Pacific Telephone and Telegraph Company (Pacific) filed under Advice Letter No. 8875, 124th Revised

Sheet 1, 16th Revised Sheet 1-A and 5th Revised Sheet 31 of Schedule Cal. P.U.C. No. 32-T, providing that recorder connecting equipment which does not contain an automatic tone device will be furnished in connection with the lines of public fire and police departments provided that the proper public authority certifies that such lines will be used exclusively for recording incoming emergency local calls or incoming emergency intrastate message toll calls.

This investigation was instituted to determine if said tariff sheets are unreasonable or unlawful in any particular and to issue any order or orders that may be appropriate.

A member of the Fire Department of the City of Los Angeles (City), appearing for both the Fire and Police Departments of said city, testified that both departments utilize monitoring (recording) equipment and desire to have eliminated the "beep tone" when fire and police dispatchers receive emergency messages over lines to which recording equipment is connected. He testified that the "beep tone" seriously hampers the receipt of the accurate description and precise location of an emergency by overriding and blocking out the key words in the message, that the "beep tone" sometimes obscures key words or numerals in an address and requires that a citizen be asked to repeat his message in a time of excitement and distress, and that sometimes the "beep tone" seems to confuse a citizen and causes him to end his call for emergency assistance before he has completed his message. He further testified that the "beep tone" is produced at a constant level on all calls, that incoming calls are of varied levels, that the foregoing causes the dispatcher to be deafened for a short time and to miss important parts of messages when a very low level call is amplified to the necessary level to be understandable, and that the repeated sounding of the "beep tone"

in the ears of a fire department dispatcher throughout his tour of duty results in a discomforting and even debilitating effect.

The City witness indicated that emergency messages incoming to the fire department can be differentiated by the calling citizen from other incoming messages by separate telephone directory listings of the fire department emergency telephone number and the business administrative office telephone number throughout his area. However, the witness was unable to state positively at what locations the police department would desire recording equipment without the "beep tone" or if citizens dialing the telephone number listed as police emergency would be connected only to a police emergency dispatcher.

Pacific's witness testified that the proposed tariff revision was in response to the request of City as summarized by City's witness, that City's request was the only one it had received, and that for lines used exclusively for the recording of emergency calls the proposed tariff sheet revision eliminates the present tariff requirement that a distinctive tone be repeated on the telephone line at intervals of approximately 15 seconds when recording equipment is in use on the line. The witness was of the opinion that the tariff sheet revision is consistent with Federal Communications Commission (FCC) regulations on the requirement for "beep tones" with recorder-connector equipment considering that the FCC tariff deals with interstate traffic, that the possibility is remote that an emergency call which is interstate in nature will come into a local fire or police department on an emergency line, and that the tariff sheet revision is confined entirely to local or intrastate calls. The witness testified that the same general

requirement for a "beep tone" with recording equipment applies to tariffs filed with the FCC and with this Commission, and that Pacific has not proposed a revision to its FCC tariffs similar to that being considered here. The witness was unable to define the term "emergency call" as used in its proposed tariff sheet revision other than to relate it to facilities designated in the telephone directory as being for emergency use.

The staff recommended that Pacific having received only City's request, the special contract procedures with governmental bodies set forth in this Commission's General Order No. 96-A, Section X.B., be followed in lieu of the tariff sheet changes herein being considered.

The tariffs of Pacific, of which we take official notice, do not provide for the classification of a subscriber's telephone as for intrastate use only or for the practical implementation of such a classification by interception by Pacific of incoming interstate telephone calls. We find that so-called emergency telephones of police and fire departments may originate and receive interstate telephone calls.

The FCC in Docket No. 6787 conducted an extensive proceeding, of which we take official notice, including an engineering conference, on which it based its order that notice of the use of telephone recording devices be given by a tone having the following characteristics:

Number of tones .....	1
Length of each tone .....	20/100 of a second, plus or minus 20%
Pitch of tone .....	1,400 cycles per second, plus or minus 10%
Frequency of recurrence of each signal .....	not less than 12 seconds and not more than 18 seconds
Level of tone .....	equal to the average telephone talking signal strength

The FCC order was based on a finding that a tone warning signal having the above-described characteristics will provide adequate notice to all parties to a recorded telephone conversation that the conversation is being recorded; and that such signal will not unduly interrupt the telephone conversation or interfere with the recording thereof, having regard to the desirability of adequate notification of the use of a telephone recorder.

This record does not show that the equipment supplied City's fire and police departments produces tones conforming to the prescribed characteristics or that it is not feasible to design and furnish a device which will conform to the prescribed characteristics and at the same time substantially eliminate the complaints regarding the tone. Also this record does not contain an adequate definition of the term "emergency" in relation to telephone calls and telephone numbers which would ensure that recordings without a warning tone would be made only of those incoming telephone calls relating to situations in which property or human life is in jeopardy and the prompt summoning of aid is essential.

Until such time as Pacific shows that it is not feasible to design and install equipment producing a warning tone which

would substantially eliminate City's cause for complaint, and until definitive safeguards are devised which will ensure that the privacy of communications will not be circumvented by allegations of emergency conditions, we find that Pacific should not eliminate the automatic tone device with recorder connection equipment used for local fire and police department emergency calls.

We conclude that the operation of Pacific's 124th Revised Sheet 1, 16th Revised Sheet 1-A and 5th Revised Sheet 31 of Schedule Cal. P.U.C. No. 32-T should be permanently suspended.

O R D E R

IT IS ORDERED that on the effective date of this order the operation of The Pacific Telephone and Telegraph Company's 124th Revised Sheet 1, 16th Revised Sheet 1-A and 5th Revised Sheet 31 of Schedule Cal. P.U.C. No. 32-T is hereby permanently suspended.

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

Dated at Los Angeles, California, this 2<sup>nd</sup> day of MARCH, 1965.

Frederick B. Hulsloff  
President

[Signature]

George H. Hoover

[Signature]

[Signature]  
Commissioners