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ORIGINAL

Decision No. 69228

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

San Francisco Motors, Inc. Complainant, vs. Pacific Telephone & Telegraph Co., a corporation, Defendant.	Case No. 8066 (Filed November 24, 1964)

Joseph J. Coffey, for San Francisco Motors, Inc., complainant.
Arthur T. George, Pillsbury, Madison & Sutro, by Richard W. Odgers, for The Pacific Telephone and Telegraph Company, defendant.

O P I N I O N

On November 24, 1964, complainant San Francisco Motors, Inc., filed its complaint alleging that defendant The Pacific Telephone and Telegraph Company listed the incorrect address of complainant in the alphabetical and classified sections of its September 1964 San Francisco telephone directory and overcharged complainant by reason of the installation of telephone service not ordered by complainant. Complainant seeks an order relieving him from the payment for phone service and advertising for the period covered by said telephone directory and directing defendant to refund any unwarranted charges for telephone service previously paid by the complainant.

On December 11, 1964, defendant, The Pacific Telephone Company, hereinafter sometimes called Pacific, filed its answer admitting that the listings and advertising of complainant in

Pacific's September 1964 San Francisco telephone directory contain the address "6249 Mission" and that said address is not the current address of complainant, but that the insertion of the address "6249 Mission" was upon the authorization and with the approval of complainant's president. Pacific further alleged that (1) the primary telephone service now furnished complainant is located at 5900 Mission Street; (2) on or about July 30, 1964 complainant placed an order for a single-line extension telephone to be connected at 6249 Mission Street on or about August 20, 1964; (3) pursuant to complainant's order, which was not at any time revoked or amended by complainant prior to the printing of Pacific's September 1964 San Francisco telephone directory, complainant's advertising and listings in said directory contained the address "6249 Mission"; (4) on or about September 2, 1964, complainant requested that the off-premises extension telephone which had been ordered on July 30, 1964 for installation at 6249 Mission Street be installed at 6259 Mission Street; (5) on or about September 3, 1964, said telephone was installed at 6259 Mission Street; and (6) the appearance of the address "6249 Mission" in complainant's telephone directory listings and display advertising has not reduced the usefulness and value to complainant of said listings and advertising. Pacific further alleged that the primary telephone service now furnished complainant is located at 5900 Mission Street; the service furnished complainant at 6259 Mission Street is an extension from the primary service; the bills for complainant's service are rendered to the address of the primary service, 5900 Mission Street; and Pacific will continue to render bills to complainant at the address of the primary service until otherwise requested by complainant.

Public hearing in this matter was held before Examiner Cline in San Francisco on February 24, 1965. At the close of the hearing the matter was taken under submission.

Based upon the record the Commission finds:

1. On July 30, 1964, Joseph J. Coffey, President of San Francisco Motors, Inc., just prior to his going on vacation, and through his own inadvertence, authorized and approved the insertion of the address "6249 Mission" in a display advertisement of San Francisco Motors, Inc., to be placed in the classified section of the September 1964 San Francisco telephone directory of defendant Pacific.

2. On July 30, 1964 complainant's said president authorized one of Pacific's advertising sales managers to place an order for the installation of a single-line extension of complainant's telephone at 5900 Mission Street to be installed at 6249 Mission Street on August 20th when complainant's president intended to return from his vacation.

3. Pursuant to said orders, complainant's listings and advertising in Pacific's 1964 San Francisco telephone directory show the address 6249 Mission instead of the address 6259 Mission.

4. Complainant's order for telephone service was not completed on August 20, 1964, as originally scheduled, but on September 2, 1964 complainant's said president called Pacific's business office and asked that the service originally ordered be installed at the address 6259 Mission.

5. On September 18, 1964, complainant's said president ordered two-line key telephone service extended from 5900 Mission Street installed at 6259 Mission Street.

6. Complainant San Francisco Motors, Inc., suffered an interruption of telephone service on telephone number JU 6-8600 for the period from 12:31 P.M. September 3, 1964, to 1:30 P.M., September 4, 1964, and by reason of said interruption in service Pacific has issued a voucher in the name of J. J. Coffey in the amount of $0.83.

7. Complainant's telephone bills are sent to 5900 Mission Street, the primary address of complainant, and Pacific will continue to send said telephone bills to such address until complainant requests that they be sent elsewhere.

Based upon the foregoing facts the Commission concludes that by reason of the complaint herein complainant is entitled to no reparations other than the $0.83 for which Pacific has already issued a voucher to complainant, and that the complaint herein has thereby been satisfied and should be dismissed.

O R D E R

IT IS 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 15th day of JUNE, 1965.

Frederick B. Holoboff
President

Peter E. Mitchell

George G. Grover

Wm. Symons, Jr.

J. Thomas Kelly
Commissioners