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ORIGINAL

Decision No. 69885

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Morris Cooper, Complainant vs. Pacific Telephone and Telegraph Co., a corporation, Defendant.	Case No. 8193 (Filed June 4, 1965)

Morris Cooper, in propria persona, complainant.
Arthur T. George and Richard W. Odgers, for defendant.

OPINION AND ORDER

Public hearing in this matter was held before Examiner Emerson on September 21, 1965, at San Francisco.

Complainant testified that he has been a telephone subscriber of defendant since about 1928; that upon changing his residence, about the year 1938 or 1939, he could not recall which, he telephoned the business office of defendant and ordered his telephone transferred from one residence to another and that defendant did so, giving him the same grade of service at the new address that he had at the old; that in January 1965, when comparing his telephone bill with those of his neighbors, he discovered that his bill was 95¢ per month greater than theirs; that he repeatedly asked defendant why his bill was $4.29 per month and was repeatedly told that such amount was the proper charge for the grade of service he was receiving and that the next higher grade of service was $5 per month. In March 1965 he requested and was provided a lesser grade of service. He claims that when he moved his residence in 1938 or 1939, defendant

did not inform him that there was a lesser grade of service at a lower rate available to him and that as a result thereof he has been overcharged for about twenty-seven years.

Defendant's records which might have shed some light on the 1938 or 1939 transaction have long since been destroyed. Indeed, records of such routine transactions are retained only a matter of months. In any event, however, complainant's own testimony clearly establishes his cause of action, if any there may have been, arose about the year 1938 or 1939 and is now and has for many years been barred by the provisions of Section 735 of the Public Utilities Code. (Former Section 71(b) of the Public Utilities Act.)

IT IS ORDERED that the complaint herein, Case No. 8193, be and it is hereby denied.

Dated at San Francisco, California, this 2nd day of NOVEMBER, 1965.

Frederick B. Holoboff
President

Commissioners