

ORIGINAL

Decision No. 70119

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Tipton's Employment Agency,)
 Complainant,)
 versus,)
 General Telephone Company)
 of California,)
 Defendant.)

Case No. 8246
(Filed August 12, 1965)

Thomas H. Miller, for complainant.
Albert M. Hart, H. Ralph Snyder, Jr., and
Donald J. Duckett, by Donald J. Duckett,
 for defendant.

O P I N I O N

A public hearing on the above-entitled complaint was held before Examiner Rogers in Los Angeles on November 2, 1965, and the matter was submitted.

The complainant, A. Vern Tipton, seeks an order of this Commission that the defendant refund to complainant (1) the defendant's monthly charges for the period of September 20, 1961, to July 9, 1965, for a tie line between complainant's Covina office and his El Monte office; (2) the difference in monthly charges between such charges for a type of service complainant had installed in his Covina office on April 15, 1963, and such charges for a type of service complainant had installed in said office on May 1, 1965, for the period between said dates; and

(3) the difference between the installation charges for the system installed by defendant in complainant's Covina office on April 15, 1963, and the system installed by defendant therein on May 1, 1965.

The complainant is the president of Tipton's Industries, a corporation, which has filed several fictitious names, including Tipton's Employment Agency.

The evidence on behalf of the complainant is summarized as follows:

Since 1959, complainant has had an office at Covina at which location telephone service is furnished by defendant. In September, 1961, complainant established an office in El Monte where telephone service is furnished by Pacific Telephone and Telegraph Company. Complainant had two tie (PBX) lines installed between the Covina and El Monte offices. A Call Commander System¹ was installed in the El Monte office, was satisfactory and employed there until the installation of a switchboard. A push button system² was installed in the Covina office at the commencement of service and remained there until replaced with a Call Commander System in 1963.

From the time the El Monte office was opened in 1961 until an Order Receiving Service³ was installed in Covina in June, 1965, one of complainant's tie lines between the two offices worked and the other generally did not. These tie lines cost approximately \$50 per month each. When defendant installed the Order

¹ Exhibit 2.

² Exhibit 4.

³ Exhibit 1.

Receiving Service in June, 1965, it found the tie line trouble in its Baldwin Park office and corrected the service. The tie lines are now operating efficiently. Until the tie line trouble was corrected, an employee of complainant employed at the El Monte office reported the tie line troubles. The complainant did not know which telephone company the employee called and the employee was not called as a witness.

When the complainant's El Monte office was opened in 1961, complainant had the push button system in his Covina office. By November, 1961, it became obvious to complainant that he needed additional telephone service in his Covina office. He had been informed by the defendant that he was losing between 250 and 300 calls per week. He contacted the defendant about service, but nothing was done until 1963 when the Call Commander System was installed. Between 1961 and 1963, the Call Commander System was discussed by complainant, his Covina office manager, and defendant. The Order Receiving Service was not discussed. The complainant was interested in price. A switchboard was discussed but complainant did not want to have an operator. Various systems were discussed, including a system which fastened to the desk. This latter system was rejected as complainant did not want to mark his furniture. In June, 1963, the Call Commander System was installed.

Sometime prior to June, 1965, a communications consulting representative recommended to complainant that he have an Order Receiving Service installed in his Covina office. This service was installed in June, 1965, and is the type of service

complainant desired at the Covina office. The defendant did not advise complainant of this service. It is less expensive to install and maintain than the Call Commander System.

The evidence on behalf of the defendant is summarized as follows:

A sales representative for the defendant, who handled complainant's Covina office service request when the Call Commander System was installed in 1963, testified that he never contacted complainant; that he was contacted between February 1 and April 30, 1963, by a girl in complainant's Covina office concerning the Call Commander System; that he talked to complainant's Covina office manager and discussed with him the Call Commander System, a switchboard service, and the Order Receiving Service; and that the Covina office manager desired that the Call Commander System be installed.

A regulatory administrator of the defendant testified that he was familiar with the complainant's service from its inception to the date of the hearing. He said complainant had a six-button key set in his Covina office at the commencement of service. In June, 1963, this service was changed to a Call Commander System and in June, 1965, it was changed to an Order Receiving Service.

The witness investigated the complaints by complainant concerning the Covina office service for the years 1964 and 1965. He found only three complaints to defendant in the two years concerning the tie line. These complaints were corrected in from zero minutes (the trouble had been corrected before the call was

answered) to two hours and six minutes. He said there may have been other complaints which were made to and corrected by The Pacific Telephone and Telegraph Company, but such complaints, if any, did not show on the defendant's records.

In addition to the tie line complaints, the witness found 24 complaints by complainant concerning the Covina service for the year 1964, and 18 complaints for the year 1965 concerning such service. These complaints included noises in the lines, failures of the buttons to light, sticking of buttons, no bell sound, and failure of hold buttons to show disconnects. Each of these complaints was corrected in less than 24 hours.

Findings

Upon the evidence of record, the Commission finds that:

1. Commencing in 1959, and continuing to the present time, complainant has been a subscriber to telephone service furnished by defendant in Covina. In September, 1961, complainant opened an office in El Monte and since said time has been furnished telephone service therein by The Pacific Telephone and Telegraph Company, which company also, during said time, furnished tie lines between the Covina and El Monte offices of complainant.

2. During the years 1963 and 1964, complainant made three complaints to defendant relative to the tie line service. There may have been other complaints, but said complaints, if any, were made to The Pacific Telephone and Telegraph Company and were not called to the defendant's attention.

3. Complainant has had three types of service in the Covina office, each of which was furnished by the defendant. Each of said services was installed at the specific request of the complainant and the complainant was advised by defendant of the various types of services available. In each instance the service furnished by defendant was adequate and the charges therefor were pursuant to defendant's tariffs.

Conclusion

Upon the foregoing findings, the Commission concludes that the complaint should be dismissed.

O R D E R

IT IS ORDERED that the complaint herein be, and the same hereby is, dismissed.

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

Dated at San Francisco, California, this 21st day of DECEMBER, 1965.

Fredrick B. Holbeff
President

George E. Trover

William L. Bruns
Commissioners