

Decision No. 70297

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JORG PFISTER (AKA)
JORG EASER,

Complainant,

vs.

GENERAL TELEPHONE COMPANY,
a corporation,

Defendant.

Case No. 8171
(Filed May 4, 1965)
(Amended November 29, 1965)

Jorg Easer, in propria persona, complainant.
H. Ralph Snyder, Jr. and A. M. Hart, by H. Ralph
Snyder, Jr., for defendant.

O P I N I O N

Complainant, Jorg Pfister, (also known as Jorg Easer), alleges that defendant's telephone service, beginning with the strike of defendant's employees in 1963 and extending through 1964, was inadequate because of repeated failures; that because of such failures complainant began negotiations with defendant for a partial adjustment of his telephone bill; that during the period of negotiation his service was terminated as of February 1, 1965; and that his listing was omitted from both the alphabetical and classified section of defendant's 1965 directory. Complainant requests:

1. Immediate restoration of telephone service, with no charge for reinstallation.
2. The same telephone number as previously assigned to him (EX. 7-2020).
3. Full credit for the period defendant allegedly provided poor telephone service.

Defendant denied all material allegations in the complaint in its answer filed June 1, 1965 and therein also moved for dismissal of the complaint for the reason that the complaint fails to set forth any acts or things done or omitted to be done by defendant in violation of any provision of law or rule of the Commission.

Public hearing was held and the matter submitted before Examiner Gillanders on November 29, 1965 at Los Angeles. Evidence was adduced by complainant and defendant. Defendant renewed its motion to dismiss.

The material facts are as follows:

1. Complainant maintained a business in his residence under the name of Security National Trust. The nature of this enterprise was not disclosed.
2. The telephone service of complainant was a business telephone listed in the name of Security National Trust.
3. Complainant made many oral complaints to representatives of defendant concerning poor telephone service including, but not limited to, excessive noise on complainant's telephone line. Defendant's records for the year 1963 were destroyed in the ordinary course of business. Its records for the period March 9, 1964 through November 4, 1964 contain eight "trouble" reports for complainant's telephone service.
4. A credit adjustment of complainant's telephone bill of one-half month base rate was made to complainant on March 6, 1964.
5. Complainant's telephone service was disconnected on November 10, 1964 for non-payment of charges. Telephone service was reinstated on or about February 3, 1965, based on an understanding that unpaid charges would immediately be paid. Telephone service was disconnected the following day because the back charges were not paid. A final bill of \$64.17 is outstanding.

6. Defendant has installed new cable in defendant's service area which should ameliorate noise on telephone lines in that area.

7. Complainant, except for the temporary period indicated in paragraph 5 (supra) has had no telephone service under the listing for Security National Trust, since November 10, 1964, and such listing did not appear in the 1965 telephone directory.

8. In order to be listed in defendant's 1965 Western Section telephone directory, complainant would have had to be a subscriber on December 18, 1964.

Rule No. 26 of defendant's tariff, which was in effect during the period involved in the complaint, reads as follows:

CREDIT ALLOWANCE FOR INTERRUPTION TO SERVICE

Upon request of the subscriber, the Company will allow subscribers credit in all cases where telephones are "out of service," except when the "out of service" is due to the fault of the subscriber, for periods of one day or more,* of an amount equal to the total bill for exchange service multiplied by the ratio of the number of days of "out of service" to the total number of days in the billing covered by the total bill for exchange service.

A day of "out of service" will be considered to exist when outgoing service is not available for a period of twenty-four consecutive hours. When any "out of service" period continues for a period in excess of an even multiple of twenty-four hours, then the total period upon which to determine the credit allowance will be taken to the next higher even twenty-four hour multiple.

In no case will the credit allowance for any period exceed the total bill for exchange service for that period.

* From the time the fact is reported by the subscriber or detected by the Company.

At the conclusion of the hearing complainant orally amended his complaint to request free listing service until his business is again listed in the directory. Defendant opposed this request, asserting that complainant was not a subscriber at the time the current

directory was printed, and, therefore, was not entitled to a listing therein.

The Commission finds as follows:

1. Complainant's telephone service was, at various times during the period set forth in the complaint, below a reasonable standard.

2. The poor service found above did result in an "interruption of service" as defined in defendant's tariff equivalent to 15 days and a credit allowance for such interruption was received by complainant.

3. Complainant did not pay his bill for telephone service in the amount of \$64.17, which failure resulted in discontinuance of complainant's telephone service by defendant on November 10, 1964. Service was reinstated for a temporary period of one day in February, 1965. The final bill for telephone service is still outstanding.

4. Discontinuance of service to complainant by defendant was properly made pursuant to defendant's tariff rules.

5. Complainant has not been a telephone subscriber of defendant since November 10, 1964.

6. Complainant, not being a subscriber on December 18, 1964, was not entitled to listings in defendant's 1965 Western Section telephone directory.

7. Installation of a new cable by defendant in complainant's service area should result in reduction in noise on lines in that area and should ameliorate the principal cause of poor service complained of herein.

Conclusion

Upon the foregoing findings, the Commission concludes that defendant's motion to dismiss the complaint should be granted.

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 1st day of FEBRUARY, 1966.

Frederick B. Hollett
President

George G. Grover

Augustor

William L. Bessie
Commissioners