

**ORIGINAL**

Decision No. 74175

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ruth M. Loomis

Complainant

vs.

Pacific Telephone Company

Defendant

Case No. 8773  
(Filed February 23, 1968)

Morris M. Conklin, for complainant.  
Robert E. Michalski, for defendant.

O P I N I O N

Ruth M. Loomis, an individual and a subscriber of The Pacific Telephone and Telegraph Company (Pacific), alleges that her telephone service was discontinued on February 15, 1968, at a time when her account had been paid in full and that, in addition to payment of her January, 1968 bill of \$20.70, a reconnection charge of \$30 was demanded by defendant. She seeks an order directing the defendant to immediately restore her telephone service; allowing such damages as are proper and justified by the interruption of her service; revoking Tariffs Nos. 36-T and S40 as to stop Pacific from further abuses of its public trust; and requiring telephone companies to advise customers of any "grace period" for payment of bills, procedure to be followed for non-payment, exact amount of reconnection charge, and any other rules that telephone companies follow so as to enlighten customers of their rights and obligations in these matters.

In its answer, filed March 15, 1968, Pacific stated that on March 2, 1968, complainant's telephone service was reconnected with no reconnection charge.

Pacific alleged further that complainant's January 17, 1968 bill in the amount of \$20.70 was mailed to her on January 24, 1968; on February 2 a notice, similar to Exhibit No. 6, was mailed requesting payment within five days and advising her that service would be subject to disconnection if the amount were not paid on February 7, 1968; payment not having been received, on February 8, a Pacific representative called on complainant and talked to her son, who advised Pacific's representative that complainant was not at home; on February 9, a Pacific representative called complainant at her work; complainant advised him that the amount would be deposited in the mail on February 12; payment was not received on February 12, and on February 14, Pacific's representative again called complainant at work; she advised that her boy had been ill and that the check had not been mailed; a request was made for payment by 2:00 p.m. of that date and complainant was advised that if such payment were not made it would be necessary to disconnect her telephone service on that date and a \$30 deposit would be required for restoration of service; complainant advised Pacific's representative not to bother, just disconnect the service and come out and pick up the telephone; an order to disconnect was issued on February 14 after such conversation, and on February 15 at about 1:30 p.m., complainant's service was disconnected; on that same date at approximately 12:55 p.m., a check was received from complainant in the sum of \$20.70. Pacific further alleged no violation

of its tariff regarding date of presentation of bills, notations on bills with respect to terms of payment and penalties for nonpayment of bills, establishment and reestablishment of credit, and deposits, all as shown in Exhibits Nos. 7 and 8.

Decision No. 73824, dated March 5, 1968, is an Order Granting Interim Relief directing Pacific to reconnect and restore complainant's telephone service pursuant to defendant's filed tariffs.

Original public hearing was called on March 25, 1968, but no evidence was received and the matter was continued to April 16, 1968 at complainant's request because of her illness.

Exhibit No. 5 shows that complainant's July 17, 1967 bill of \$12.72 was not paid until September 3, 1967; her August 17, 1967 bill of \$5.18, her September 17, 1967 bill of \$8.90, and her October 17, 1967 bill of \$7.55 were not paid until November 22, 1967; her November 17, 1967 bill of \$12.67 and her December 17, 1967 bill of \$20.39 were not paid until January 15, 1968, and, as admitted, her January 17, 1968 bill was not paid until February 14, 1968. She claimed that she had made arrangements with Pacific's El Monte district manager to be slow in paying her telephone bill because of her pay periods which occurred bimonthly and out of phase with her telephone billing. She gave no reason for her four months' delinquency in the billed August-November 1967 period and her other delinquencies up to January 15, 1968; and she charged the telephone company with discrimination against her because she was Secretary-Coordinator of the Committee for Better Telephone Service, a voluntary group in the San Gabriel Valley

soliciting appearances before the Commission in hearings on Application No. 49835 of General Telephone Company for a \$46 million rate increase, which said hearings are in progress.

Complainant said that she had no complaint against either Pacific's service or its rates.

She testified that she had forgotten to mail in her payment of \$20.70 for her January monthly service on February 12, 1968, as promised, because of her son's illness.

Based on the record, the Commission finds as follows:

1. Ruth M. Loomis, an individual, is a subscriber of The Pacific Telephone and Telegraph Company at her residence, 11835 Deana Street, Apartment No. 3, El Monte, California-telephone number 442-3581-and has been since July, 1967.

2. Her January 17, 1968 telephone bill of \$20.70 became delinquent on February 2, 1968 after she had been sent an "important notice," similar to Exhibit No. 6, advising her of such delinquency and the possibility of discontinuance of her service for nonpayment of bill.

3. After several conversations and communications, she promised to place her check in the mail on February 12, but forgot to do so.

4. Her check, Exhibit No. 1, together with her letter, copy of which is Exhibit No. 4, was placed in the drop box of Pacific's El Monte district office on the evening of February 14, but was not received and marked for payment in that office until approximately 12:55 p.m. on February 15, 1968.

5.a. Mrs. Loomis was advised on February 14, 1968 that if payment were not received by 2:00 p.m. of that date, her telephone would be disconnected and a \$30 charge would be required for restoration of service; whereupon she advised Pacific's representative not to bother and just to disconnect the service; and about 1:30 p.m. on February 15, her service was disconnected.

b. On March 2, 1968 her telephone service was reconnected with no reconnection service charge, or deposit required of her.

6. Pacific's rules are clear regarding payment and non-payment of telephone bills; notification of delinquency, establishment and reestablishment of credit; and requirements for deposit. The telephone company, under Commission authority, is given some latitude in the application of its rules covering discontinuance of telephone service for nonpayment of bills and requirements for deposits.

7. There is no evidence either that Pacific discriminated against Mrs. Loomis or was vindictive in disconnecting her telephone service.

8. Exhibit No. 5 shows that Pacific was lenient with Mrs. Loomis until such time as she became two weeks' delinquent and failed to keep her promise to pay her telephone bill by February 12, 1968.

9. Mrs. Loomis' disregard for her obligations cannot be countenanced by the Commission and need not have been countenanced by the telephone company.

10. There is no reasonable basis for the complaint.


The complaint should be dismissed.

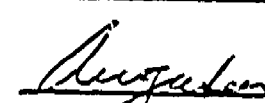


O R D E R

IT IS ORDERED that this complaint is dismissed.

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

Dated at San Francisco, California, this 25<sup>th</sup>  
day of MAY, 1968.

  
President

  
  
  
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.