

Decision No. 75275**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DOUGLAS J. HOLLOWAY,)
 Complainant,)
 vs.)
 PACIFIC TELEPHONE COMPANY,)
 Defendant.)

Case No. 8810
 (Filed May 28, 1968)

Douglas Jon Holloway, in propria persona,
 complainant.
Robert E. Michalski, for The Pacific Telephone
 and Telegraph Company, defendant.

O P I N I O N

This is a complaint by Douglas J. Holloway (hereinafter referred to as Holloway) against The Pacific Telephone and Telegraph Company (hereinafter referred to as PT&T). The complaint alleges that during the year prior to the filing thereof PT&T charged Holloway \$15 for the "rental" of a 25-foot extension cord; that the charge was excessive and that 25 feet of similar extension cord can be purchased for less than \$5. The complaint seeks reparations in the sum of \$7.50 and an order prohibiting PT&T from charging a customer for an extension cord more than once.

A duly noticed public hearing was held in this matter before Examiner Jarvis at San Francisco on October 30, 1968. The matter was submitted on November 27, 1968.

During the year prior to the filing of the complaint, Holloway resided at two different locations. When he moved into each location he subscribed for telephone service, including a 25-foot extension cord. At the time each extension cord was

installed PT&T's Tariff Schedule 32-T provided for a charge of \$7.50 for the installation of each cord, with certain exceptions not here applicable. Holloway does not dispute that PT&T correctly applied the charges provided for in its tariff. He challenges the tariff provisions.

Section 1702 of the Public Utilities Code provides as follows:

"Complaint may be made by the commission of its own motion or by any corporation or person, chamber of commerce, board of trade, labor organization, or any civic, commercial, mercantile, traffic, agricultural, or manufacturing association or organization, or any body politic or municipal corporation, by written petition or complaint, setting forth any act or thing done or omitted to be done by any public utility, including any rule or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation, of any provision of law or of any order or rule of the commission. No complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless it is signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or city and county within which the alleged violation occurred, or by not less than 25 actual or prospective consumers or purchasers of such gas, electricity, water, or telephone service."

Since Holloway is a sole complainant, the Commission may not, under Section 1702, consider the reasonableness of the charge in question unless the charge is so arbitrary or unreasonable as to be illegal.

PT&T introduced evidence to the effect that its cost of providing and installing a 25-foot extension cord is \$18, which is higher than the present charge; that eliminating the charge would require its customers generally to further subsidize those who wanted extension cords; that the \$7.50 charge is below that

of most companies in the Bell System; that some Bell System companies charge a lower installation charge but also continue to charge a monthly rate for an extension cord and that the charge covers maintenance and repair of the cord while in service as well as installation.

The record discloses and the Commission takes official notice that the charge here involved was found to be reasonable in Decision No. 71575 (Pac. Tel. & Tel. Co., 66 Cal. P.U.C. 419) and PT&T was authorized to put said charge into effect by Appendix A of that decision. The Commission also takes official notice that in Decision No. 74917 in Application No. 49142 and related cases the Commission found the charge of \$10 to be reasonable for such extension cord and authorized that charge in Appendix A of the decision.

Section 734 of the Public Utilities Code provides in part that:

"...No order for the payment of reparation upon the ground of unreasonableness shall be made by the commission in any instance wherein the rate in question has, by formal finding, been declared by the commission to be reasonable..."

In the light of Decision No. 71575, which was in effect at the time of the events in question, Holloway could not be awarded reparations herein. As to the future application of the tariff charge, Holloway has failed herein to show that the charge is in violation of any provision of law or order of this Commission. No other points require discussion. The Commission makes the following findings and conclusion.

Findings of Fact

1. During the year immediately preceding the filing of this complaint Holloway resided at two different locations, in two

different exchanges, in PT&T's service area. When Holloway moved into each location, he subscribed to telephone service, including a 25-foot extension cord.

2. During all times here involved PT&T had in effect its Tariff Schedule 32-T which provided for a charge of \$7.50 for the installation and maintenance of a 25-foot extension cord, with certain exceptions not here applicable, each time such cord was installed.

3. Schedule 32-T was found to be reasonable in Decision No. 71575 and authorized by Appendix A thereto. Subsequent to the events in question the Commission in Decision No. 74917 found a \$10 charge for a 25-foot extension cord to be reasonable and authorized PT&T to provide for such charge in Schedule 32-T.

4. Holloway has failed to establish that the 25-foot extension cord charge provided for in PT&T's Schedule 32-T is in violation of any law or order of this Commission.

Conclusions of Law

1. Holloway is not entitled to any reparations in this proceeding.

2. The 25-foot extension cord charge provided for in PT&T's Tariff Schedule 32-T is not in violation of any law or order of this Commission.

3. The complaint should be denied.

O R D E R

IT IS ORDERED that complainant is entitled to no relief in this proceeding, and the complaint is hereby denied.

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

Dated at San Francisco, California, this 4th day of FEBRUARY, 1969.

William Sproule
President

Augustus

Red P. Mansueti

Alan Spurr

Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.