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ORIGINAL

Decision No. 76796

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Eloise Motz,

Complainant,

vs.

Pacific Telephone & Telegraph Company,  
Eugene Parker, Manager of Sacramento  
District, Dale Brinsley, Commercial  
Manager,

Defendants.

Case No. 8961  
(Filed September 5, 1969)

Eloise Motz, for complainant.  
Richard Siegfried, for defendant.

O P I N I O N

Complainant Eloise Motz seeks an order (1) prohibiting defendant The Pacific Telephone and Telegraph Company<sup>1/</sup> from disconnecting her telephone or those of her husband or daughter as long as reasonable payments are made on delinquent telephone bills, (2) prohibiting defendant from discriminating against complainant and her family in regard to telephone service, and (3) awarding reparations for past alleged discriminatory acts of complainant.

Public hearing was held before Examiner Catey at Sacramento on January 5, 1970. The matter was submitted on that date.

Complainant presented testimony on her own behalf. Testimony on behalf of defendant was presented by the manager of defendant's Sacramento business office.

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<sup>1/</sup> Sometimes referred to in this proceeding as "Pacific Telephone & Telegraph Company" or "Pacific".

Complainant and Defendant

Complainant is a telephone subscriber in Fair Oaks, Sacramento County. Defendant is a public utility telephone corporation serving a large portion of the state, including Fair Oaks.

Disconnection of Telephones

The principal issue in this proceeding is the repeated disconnection of complainant's telephone, over a period of about nine years, because of delinquent bills.

Previous rules of defendant included provisions similar to Rule No. 11 of defendant's present tariffs, which rule provides, in part:

"Service to a particular premises, separately served and billed, may be temporarily or permanently discontinued for the nonpayment of a bill for the service furnished, provided the bill therefor has not been paid within the period specified below and the utility informs the customer with a written 5 day notice:

Thirty calendar days after presentation when bills are rendered yearly;

Five calendar days after presentation of special bills;

Fifteen calendar days after presentation of all other bills."

(Emphasis added.)

Complainant contends that defendant's disconnection of her telephone for delinquent bills is discriminatory, even though in accordance with defendant's tariffs, because defendant is more lenient with other subscribers.

Section 453 of the Public Utilities Code provides, in part:

"No public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage."

This does not mean, however, that defendant must follow exactly the same procedures in dealing with a subscriber with a past record of reasonably prompt payment as it does in dealing with a subscriber who has repeatedly failed to pay telephone bills within the time limits prescribed by defendant's tariffs.

Exhibits Nos. 1 through 8 show that, unfortunately, complainant falls in the latter category. The tariff rule hereinbefore cited was authorized by this Commission and intentionally uses the permissive "may" instead of the mandatory "must" in regard to disconnection of telephones for delinquent bills. This permits reasonable managerial discretion in relations with subscribers.

Further, defendant has not even invoked all of the safeguards permitted by its tariffs against repetition of complainant's delinquent bills. Under defendant's Rules Nos. 6 and 7 complainant could have been required to make a deposit of twice her average monthly bill to re-establish credit before service was restored after each discontinuance for nonpayment of bills. Defendant's witness testified that, except for a deposit required of complainant's daughter for a separate telephone at the same address, no deposit has heretofore been required from complainant. Even the deposit required from complainant's daughter was refunded when defendant was advised that the daughter was a property owner. Exhibit No. 6 shows that the initial bill for the daughter's telephone service also was not paid within the time prescribed by defendant's tariffs, that the telephone was then disconnected and that payments of the amount due were spread over many months.

#### Other Issues

Complainant cited a number of disagreements and misunderstandings in dealing with defendant. Many of these incidents have resulted from the complexities of complainant's accounts wherein amounts were due simultaneously for discontinued service in the

husband's name, discontinued service in the daughter's name at the same address and new active telephone service at the same address. Defendant should instruct its employees to check carefully all of complainant's related accounts before answering complainant's requests for information and before crediting payments received.

Complainant also complains of certain other actions of defendant's employees, but those actions do not appear to be in violation of defendant's filed rules nor even detrimental to complainant. These actions include restoring her telephone service after disconnection for nonpayment of bills, but before any payment was made, delivering a five-day disconnect letter of notification in person rather than by mail, and payment by defendant of \$12.50 court reporter fee in a court proceeding where complainant contends other parties should have shared this expense. Complainant also alleged that one letter contained libelous statements, but this matter was not pursued at the hearing because charges of libel are within the jurisdiction of the courts, not this Commission.

Finding & Conclusion

The Commission finds that defendant's actions in disconnection of telephone service to complainant and members of her family, as discussed herein, were in accordance with defendant's filed tariff rules and did not constitute unduly harsh nor discriminatory application of those tariff rules.

The Commission concludes that the complaint should be dismissed.

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O R D E R

IT IS ORDERED that Case No. 8961 is dismissed.

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

Dated at San Francisco, California, this 17<sup>th</sup> day of FEBRUARY, 1970.

William Lyons, Jr.  
President

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Mark...

John...

Norman L. Stinson  
Commissioners