

ORIGINAL

Decision No. 77425

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PAUL L. MORTON, D.S.C.,  
Complainant,

vs.

PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY,  
Defendant.

Case No. 9046  
(Filed April 7, 1970)

Paul L. Morton, D.S.C., for himself, complainant.  
Richard Siegfried, for defendant.

O P I N I O N

This is a complaint by Dr. Paul L. Morton against The Pacific Telephone and Telegraph Company (hereinafter referred to as PT&T). A duly noticed public hearing was held in this matter before Examiner Jarvis in San Francisco on June 3, 1970 and the matter was submitted on that date.

Dr. Morton practices in San Francisco. He testified that, because of illness, he had been unable to attend to his office telephone bill and service had been disconnected. On July 2, 1969 he went to the office of PT&T and paid the overdue bill. He was told that telephone service would be restored that day. Since he did not feel well, Dr. Morton went directly home and did not go to his office to see whether service had in fact been restored. On July 5, 1969, Dr. Morton went to his office and discovered that service had not been reconnected. He complained and it subsequently was restored.

July 2, 1969 was the cutoff date for listings in PT&T's 1969-1970 San Francisco Directory. If service had been restored on July 2, 1969, as indicated, Dr. Morton would have been listed in the directory. As a result of the failure to restore service on July 2, Dr. Morton, whose office number had been listed for many years in the white and yellow pages of the San Francisco Telephone Directory was not listed in the one for 1969-1970.

At the hearing PT&T stipulated that an order could be entered in favor of Dr. Morton requiring PT&T to give Dr. Morton a credit allowance for all of his basic telephone service for the period in which the 1969-1970 San Francisco Telephone Directory is in effect. Dr. Morton stipulated that no fraud or willful misconduct occurred on the part of PT&T and that the Commission had no jurisdiction to entertain herein his claim for damages for loss of business.

The stipulations of the parties are in accordance with the provisions of PT&T's tariff and the Commission is of the opinion that they should be accepted and an order entered in accordance therewith. The stipulations also constitute a waiver of findings and conclusions and an order will be entered forthwith.

O R D E R

IT IS ORDERED that The Pacific Telephone and Telegraph Company shall grant Dr. Paul L. Morton a credit allowance for all

C. 9046 ds

of his basic telephone service at his office for the entire period in which The Pacific Telephone and Telegraph Company's 1969-1970 San Francisco Telephone Directory has been and is in effect.

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

Dated at San Francisco, California, this 30th day of JUNE, 1970.

William S. ...  
President

August ...

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Vernon L. Sturgeon  
Commissioner