

ORIGINAL

Decision No. 77750

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation, for authority to increase certain intrastate rates and charges applicable to telephone services furnished within the State of California.

Application No. 51774  
(Filed March 17, 1970)

144 Spanish-speaking telephone subscribers from San Francisco, Sonoma and Imperial Counties, the spanish speaking/surnamed political association, the Mexican-American Political Association, the Healdsburg and Windsor Local Action Councils,

Complainants and  
(Proposed) Protestants,

vs.

Case No. 9042  
(Filed April 2, 1970)

The Pacific Telephone and Telegraph Company, a corporation,

Defendant and Applicant in  
proposed rates increase in  
Application No. 51774.

Case No. 9036  
(Filed April 13, 1970)

Case No. 9043  
(Filed April 6, 1970)

Case No. 9044  
(Filed April 7, 1970)

Case No. 9045

AND RELATED MATTERS.

(See Appendix A for Appearances)

INTERIM OPINION

By motion filed July 8, 1970, complainants in Case No. 9042 seek authority to amend their complaint. A memorandum in opposition to the motion was filed by defendant The Pacific Telephone and Telegraph Company on July 17, 1970.

Proposed Amendment

The proposed amendment seeks additional relief, as follows:

"Within twenty days PT&T shall be ordered to prepare a Spanish-language notice to be submitted with subsequent months' telephone bills informing Spanish-speaking subscribers that they may elect, by affixing their signature to the aforementioned Spanish-language notice, to have PT&T hold 20% of their payments in Trust in an Interest Bearing Bank Account pending a final determination of the Complaint requesting equal services or, in the alternative, a \$7,545,000 rate reduction."

Complainants' basis for this request is the fact that large sums are expended by defendant each year for informational and operator services and for informational advertising, in the English language. Complainants contend that Spanish-speaking subscribers who have not learned to speak English derive no benefit from such expenditures and should thus be given a preferential rate.

Complainants' contention is not valid. Rates for utility service are based upon expenditures reasonably incurred to make service available to its customers or subscribers. If certain subscribers do not utilize some of the services made available to subscribers in general, this does not warrant a preferential rate. As examples, (1) the cost to an electric utility of holding the 60-Hertz frequency of alternating current service within close tolerance is not deducted from the rates of subscribers without electric clocks, (2) the cost to a water utility of maintaining pressures within the limits of General Order No. 103 is not deducted

from the rates of customers who do not have lawn sprinklers or other devices requiring reasonable pressures, and (3) the cost of making available continuous gas service is not deducted from the rates of customers who are away from home every weekend.

Further, complainants' proposed relief would result in charging a higher rate to a Spanish-speaking customer who had, at perhaps considerable sacrifice in time and effort, learned to speak English, than the rate charged to a Spanish-speaking customer who had not learned to speak English. Also, a customer who spoke any language but Spanish and did not speak English would pay a higher rate than his Spanish-speaking counterpart.

#### Other Relief

Although a preferential rate is not appropriate for non-English speaking subscribers, this does not mean that some additional services should not be provided for those subscribers, even though those extra services are of no benefit to English-speaking subscribers. An example of this is the Emergency English-Spanish Translation Service instituted by defendant on August 1, 1970. Upon submission of the pending proceedings herein, additional services may be found to be reasonable.

#### Finding and Conclusion




The Commission finds that no cause has been shown to grant the additional relief requested by complainants. The Commission concludes that the motion should be denied.

INTERIM ORDER

IT IS ORDERED that the motion filed by complainants in Case No. 9042 on July 8, 1970 is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 22nd day of SEPTEMBER, 1970.

  
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Chairman  
  
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Commissioners

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

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A  
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List of Appearances

PARTY	APPEARANCES	POSITION*					
		A. 51774	C. 9036	C. 9042	C. 9043	C. 9044	C. 9045
<b>UTILITIES</b>							
California-Pacific Utilities Company .....	Ross Workman .....	-	-	-	-	-	R
Continental Telephone Company of California .....	Robert C. Abrams .....	I	-	-	-	-	R
General Telephone Company of California .....	A. M. Hart and H. Ralph Snyder, Jr. ....	I	-	-	-	I	R
Golden West Telephone Company .....	(See Continental Telephone Co. of Calif.)	I	-	-	-	-	R
The Pacific Telephone and Telegraph Company .....	George H. Eckhardt and Richard W. Odgers	A	D	D	D	R	I
<b>FEDERAL GOVERNMENT</b>							
General Services Administration .....	Hart T. Mankin, Marvin H. Horse and Max M. Misener .....	I	I	I	I	I	I
<b>STATE GOVERNMENT</b>							
California Public Utilities Commission staff .....	Richard D. Gravelle and Leonard L. Snalder, staff counsel, John J. Gibbons and James G. Shields .....	-	-	-	-	-	-
State of California .....	Thomas C. Lynch by Donald B. Day .....	I	I	I	I	I	I
<b>COUNTIES</b>							
Alameda .....	Jacob Levitan .....	I	I	I	I	I	I
Marin .....	Douglas J. Maloney by Thomas G. Hendricks	I	I	I	I	I	I
Placer .....	Richard E. Saladana and Douglas A. Lewis	I	I	I	I	I	I
San Francisco .....	Thomas M. O'Connor, Milton Mares and Robert R. Laughead .....	I	I	I	I	I	I
<b>CITIES</b>							
Anaheim .....	Joseph B. Geisler and Alan R. Watts ...	I	I	I	I	I	I
Bellflower .....	Alexander Googooian .....	P&I	I	I	I	I	I
Benicia .....	L. S. Brady .....	I	I	I	I	I	I
Beverly Hills .....	George Slaff and Allen Grimes .....	P	I	I	I	I	I
Los Angeles .....	Roger Arnebergh, by Charles E. Mattson, Robert W. Russell and Manuel Kroman ...	I	I	I	I	I	I
Long Beach .....	Louis Possner .....	I	I	I	I	I	I
Pittsburg .....	Roger Golla .....	I	I	I	I	I	I
Sacramento .....	James P. Jackson .....	I	I	I	I	I	I
San Diego .....	John W. Witt by C. M. Fitzpatrick and William Kronberger .....	I	I	I	I	I	I
San Francisco .....	(See County of San Francisco) .....	I	I	I	I	I	I
Thousand Oaks .....	Raymond C. Clayton .....	P	I	I	I	I	I

\* A = Applicant    C = Complainant    D = Defendant    I = Interested Party    P = Protestant    R = Respondent

APPENDIX A  
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## List of Appearances

PARTY	APPEARANCES	POSITION				
		A. 51774	C. 9036	C. 9042	O. 9043	C. 9044
<b>ORGANIZATIONS and CORPORATIONS</b>						
Allied Telephone Companies Association	Ernest W. Watson	I	-	-	-	-
American Taxpayers Union of California, Inc. (Unit 3)	Diamantes D. Katsikaris	P	-	-	-	-
Apex Janitor Supply	Nat Yanish	P	-	-	-	-
Association of California Consumers	Mrs. Sylvia Siegel	P	-	-	-	-
Business Communications	Lyle C. Brackney	I	-	-	-	-
California Farm Bureau Federation	W. L. Knecht and Ralph Hubbard	I	-	-	-	-
California Farmer-Consumer Information Committee	Mrs. Borghild Haugen	I	-	-	-	-
California Independent Telephone Association	Neal C. Hasbrook	I	-	-	-	I I
California Labor Federation, AFL-CIO	Dennis T. Peacocke	P	-	-	-	-
Communications Workers of America	Stephen H. Confer and Edward Long	I	-	-	-	-
Consumers Arise Now	William H. Bennett, Lew Geiser, Garret P. Shean, Harold Sherwin Small and Edward Torrico	P	C	-	C	-
Chicano Law Students (Hastings)	Steven J. Ybarra	P	-	-	-	-
Consumers Cooperative of Berkeley	Don Rothenberg	P	-	-	-	-
Echo Answering Service	Clarence Ricks	I	-	-	-	-
I.B.E.W. Local Union No. 1011	M. W. McWhorter	I	-	-	-	-
Interracial House, Inc.	Marcus Harvey Wilcher	P	-	I	-	-
Mexican-American Legal Defense Fund	Robert Gnaizda and Elaine Climpson	P	-	I	-	-
Mexican-American Political Association	(See Mexican-American Legal Defense Fund)	P	-	C	-	-
NAACP Legal Defense	(See Mexican-American Legal Defense Fund)	P	-	I	-	-
National Businessman's Association	L. David Fox	P	-	-	-	-
Responsible Merchants, Property Owners & Tenants, Inc., San Francisco Neighborhood Legal Assistance Foundation	Jack Bartolini	I	-	-	-	-
Sears Roebuck and Company	Gilbert T. Graham	P	-	-	-	-
Spanish Speaking Subscribers (144)	Hope H. Camp, Jr.	I	-	-	-	-
Spanish-Speaking Surnamed Political Association	(See Mexican-American Legal Defense Fund) Ricardo A. Callejo (and see Mexican- American Legal Defense Fund)	P	-	C	-	-
Telephone Answering Services of California, Inc.	Bacigalupi, Elkus, Salinger & Rosenberg by Lucius P. Bernard	I	-	-	-	-
United Auto Workers, Northern California	Salvador L. Tovares	P	-	I	-	-
Windsor and Healdsburg Local Action Council	(See Mexican-American Legal Defense Fund)	P	-	C	-	-

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PARTY	APPEARANCES	POSITION					
		A. 51774	C. 9036	C. 9042	C. 9043	C. 9044	C. 9045
<b>INDIVIDUALS</b>							
Bennett, William M.	Self (See Consumers Arise Now)	P	C	-	C	-	-
Bone, Donald L.	Donald L. Bone	P	-	-	-	-	-
Brierly, Philip G.	Philip G. Bierly	P	-	-	-	-	-
Ciesielski, Wladislaw	Wladislaw Ciesielski	P	-	-	-	-	-
De Muttio, Douglas	Douglas De Muttio	P	-	-	-	-	-
Elder, Randy N.	Randy N. Elder	I	-	-	-	-	-
Ervin, Rebecca	Rebecca Ervin	P	-	-	-	-	-
Geiser, Lew	Self (See Consumers Arise Now)	P	-	-	-	-	-
Glass, Michael K.	Michael K. Glass	P	-	-	-	-	-
Hunter, Kenneth R.	Kenneth R. Hunter	I	-	-	-	-	-
Kirschner, Kim	Kim Kirschner	P	-	-	-	-	-
Kogel, Nancy	Nancy Kogel	P	-	-	-	-	-
Markel, Leon	Leon Markel	P	-	-	-	-	-
Mercier, Andre	Andre Mercier	P	-	-	-	-	-
Mercier, Cecile	Cecile Mercier	P	-	-	-	-	-
Pugh, David	David Pugh	P	-	-	-	-	-
Small, Harold Sherwin	Self (See Consumers Arise Now)	P	-	-	-	-	-
Small, Mr. and Mrs. James M.	Harold Sherwin Small (See Consumers Arise Now)	P	-	-	-	-	-
Stone, Janet	Janet Stone	P	-	-	-	-	-
Torrico, Edward	Self (See Consumers Arise Now)	P	-	-	-	-	-
Viviano, Victor	Victor Viviano	I	-	-	-	-	-
Winsor, Richard	Richard Winsor	P	-	-	-	-	-
Wright, Orville I.	Orville I. Wright	I	-	-	-	-	-