

SW/ds \*

ORIGINAL

Decision No. 78367

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Fredd Wayne,

Complainant,

vs.

The General Telephone Company,

Defendant.

Case No. 9110

(Filed August 25, 1970)

Fredd Wayne, in propria persona,  
complainant.

A. M. Hart, Walter Rook and  
D. Earl Ellis, by Walter Rook  
and D. Earl Ellis, Attorneys  
at Law, for defendant.

O P I N I O N

Complainant alleges that his telephone service is inadequate; defendant denies this. Public hearing was held before Examiner Robert Barnett on January 5, 1971, in Los Angeles.

Complainant testified that ever since he has been receiving service from defendant (starting in 1965), he has received less than adequate service. At varying times the following problems occur: he cannot make outgoing calls; he cannot receive incoming calls; his telephone doesn't ring at his telephone answering service; the telephone goes dead in the middle of conversations; he gets wrong numbers after dialing correctly; and, the telephone clicks back to the dial tone in the middle of dialing for a number. Complainant stated that although defendant

has attempted to correct these deficiencies, and in fact has changed equipment on a number of occasions, the problems still persist to this day. Complainant subscribes to one-party residence service at the monthly exchange rate of \$4.65, plus an extension to an answering service. Complainant, an actor, testified that because he could not receive incoming calls, he lost jobs and income. Complainant requests reparation and a reduction of his cost of telephone service to compensate for these interruptions in service.

Defendant's witnesses testified as follows: They are providing complainant with satisfactory service and have been at complainant's residence on numerous occasions to investigate complaints. In many instances, no basis for the complaints could be found, and in those instances where the complaints were valid, the equipment was repaired. On a number of occasions, after complaint was made, complainant would not permit defendant's employees access to his apartment, and on other occasions, complainant showed a lack of cooperation in helping defendant check and clear up telephone problems on complainant's line. Defendant investigated complainant's telephone answering service and found that in many instances complainant was not getting telephone calls because the answering service's equipment was overloaded and calls coming to complainant did not register on the answering service's board. This problem has been corrected by the answering service putting in additional equipment.

The tariff provision that covers interruption to service that was in effect during the period in question is General Telephone Company's Rule No. 26 (Schedule Cal. P.U.C. No. D & R, 1st Revised Sheet 57):

Upon request of the customer, the Utility will allow customers credit in all cases where telephones are "out of service," except when the "out of service" is due to the fault of the customer, for periods of one day or more,\* of an amount equal to the total bill for exchange service multiplied by the ratio of the number of days of "out of service" to the total number of days in the billing covered by the total bill for exchange service.

\*From the time the fact is reported by the customer or detected by the Utility.

As complainant testified that his telephone was never out of service for a period of one day or more, the tariff bars reparation.

Findings of Fact

1. Complainant has had numerous outages of telephone service over the past two years. These outages were not the fault of complainant. None of the outages extended for a period of one day or more.

2. Defendant has used its best efforts in an attempt to keep complainant's telephone in good working order.

3. Defendant's tariff bars any reparation.

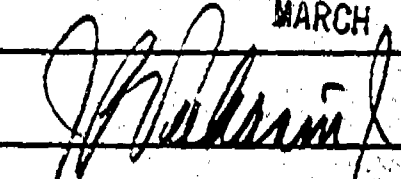
The Commission concludes that the complaint should be denied.


O R D E R


IT IS ORDERED that the complaint is denied.

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

Dated at San Francisco, California,  
this 2nd day of MARCH, 1971.

  
Chairman

  
Vernon L. Stungen

  
Commissioners

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