

jmc

ORIGINAL

Decision No. 78755

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

William W. Bliss,                      )  
  Complainant,                      )  
  vs.                                      )  
Pacific Telephone and Telegraph Co.,                      )  
  Defendant.                      )

Case No. 9185  
(Filed January 26, 1971)

William Whitmore Bliss, for self, complainant.  
Richard Siegfried, Attorney at Law, for defendant.

O P I N I O N

Complainant subscribes to key telephone system service from defendant. The substance of the complaint is that defendant over-charged complainant for moving his telephone facilities when he recently moved from one office to another in the same building at 521 North LaCienega Boulevard in Los Angeles. Complainant alleges that the move should not have been treated as a new installation.

Defendant maintains that what it charged complainant was done in accordance with its tariff provisions. In addition, according to defendant, the complaint challenges the reasonableness of defendant's charges for moves and changes of telephone service. As such, it does not meet the requirements of Section 1702 of the Public Utilities Code.

Public hearing was held in Los Angeles on April 20, 1971, before Commissioner Holmes and Examiner Gillanders and the matter submitted.

At the hearing it became clear that the complaint was not a complaint within the ambit of Section 1702 but was in essence a dispute over the meaning of the word "move" as used in various pages

of defendant's tariff. The word "move" is not directly defined in the tariff. However, special conditions 2 and 5 of Schedule Cal. P.U.C. No. 28-T, Original Sheet 19, provide:

"2. A change of location from one premises to another...will not be treated as a move, but as a disconnect and a new installation.

"5. A change of location of items of Key Telephone System Service from one premises to another... will not be treated as a move, but as a disconnect and a new installation."

Schedule Cal. P.U.C. No. 36-T, First Revised Sheet 12, defines premises as:

"Any room of a building provided all of the room or a portion thereof is occupied by the subscriber in person or the subscriber's personnel."

In order to obviate not only future formal complaints but informal complaints and discussions between customers and company personnel over the definition of "move", defendant should insert a precise definition in its tariff.

#### Finding and Conclusion

We find that a removal of complainant's telephone service from a room on one floor of a building to another room on another floor, which room was not theretofore occupied by complainant, is, according to defendant's filed tariff rules, a disconnect and a new installation.

We conclude that defendant properly applied the charges provided in its tariff.

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O R D E R

IT IS ORDERED that the relief sought is denied, and the complaint in Case No. 9185 is dismissed.

Dated at San Diego, California, this 2nd  
day of JUNE, 1971.

[Signature]  
Chairman  
[Signature]  
[Signature]  
[Signature]  
Commissioners