

Decision No. 79068

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALVIN SPIER,

Complainant,

vs.

PACIFIC TELEPHONE AND TELEGRAPH CO.,
Defendant.Case No. 9248
(Filed July 16, 1971)ORDER OF DISMISSAL

Complainant alleges that he was charged regular business day rates for a long-distance telephone call placed by him on Memorial Day, a national legal holiday. He further alleges that defendant advertises reduced long-distance rates on holidays. Complainant asks for a refund of the difference between the charges for "regular" and "holiday" rates and for a policy review of this subject.

By letter dated August 2, 1971 defendant correctly cites Schedule Cal.P.U.C. 53-T, 17th Revised Sheet 12, which lists the days to be accorded holiday treatment. These comprise Thanksgiving, Christmas, New Year's Day, Independence Day, Labor Day, and Washington's Birthday. Since Memorial Day is not included in this list, calls placed on Memorial Day may not receive the holiday rate and the complaint herein must be dismissed.

If defendant's advertising practices are misleading customers who have relied thereon, relief against defendant may be available in the Courts. However, this Commission does have jurisdiction over the content of defendant's tariffs. Therefore, we shall require defendant to submit to the Commission copies or transcripts of all advertisements pertaining to holiday rates used by defendant within one year prior to the effective date of this order. If it appears that there is some confusion likely to result from defendant's advertisements of holiday rates, defendant may voluntarily solve the problem by naming the applicable holidays in future advertisements,

or this Commission may take such other action with regard to defendant's tariffs as it deems appropriate.

Wherefore the Commission finds that the complaint herein fails to state a cause of action and the motion to dismiss of defendant should be granted.

The complaint herein is dismissed.

Defendant is ordered to submit a copy or transcript of all advertisements for holiday rates used within one year prior to the effective date of this order. Those advertisements, if any, which fail to indicate which holidays qualify for reduced rate treatment shall be separately indexed from those which do so advise the public.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 24th
day of AUGUST, 1971.

William L. Sturgeon
Chairman

William L. Sturgeon

Vernon L. Sturgeon

Commissioners