

Decision No. 80247

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PHONETELE, INC., a corporation,  
complainant,

vs.

GENERAL TELEPHONE COMPANY OF  
CALIFORNIA, a corporation,  
defendant.

Case No. 9177  
(Filed January 15, 1971)

PHONETELE, INC., a corporation,  
complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,  
defendant.

Case No. 9265  
(Filed August 26, 1971)

Robert L. Feiner and Charles Brouvette, for  
complainant.

A. M. Hart and Donald J. Duckett, Attorneys at  
Law, for defendant in Case No. 9177.

Milton J. Morris, Attorney at Law, for defendant  
in Case No. 9265.

Donn E. Cassity, Attorney at Law, for Communication  
Certification Laboratory, intervenor.

John S. Fick, Attorney at Law, and Paul Popenoe, Jr.,  
for the Commission staff.

INTERIM OPINION

The rehearing of Case No. 9177 and the original hearing  
of Case No. 9265 were submitted on a consolidated record on  
February 28, 1972, subject to the receipt of transcripts and the  
subsequent filing of opening briefs and reply briefs. The record

is now complete but requires further study before a final decision can be rendered. There are some issues of sufficient urgency, however, that they should not await the final decision in these proceedings. These matters are discussed hereinafter.

There is little doubt, from the evidence presented in these proceedings, that it would be possible to design, manufacture, install and maintain a toll call diversion device such as complainant's Phonemaster 1040 that could be safely connected to a telephone utility's system without a utility-provided protective connection device. If some certification procedure can be instituted such as that proposed by the Commission staff or the one proposed by intervenor Communication Certification Laboratory, it will become reasonable for utilities to supply simple nonprotective terminal blocks or jacks for connection of certified customer-owned or customer-leased toll call diversion devices.

The selection and implementation of a workable certification program, even if authorized by a final order herein, will take considerable time. In complainant's opening brief, a request is made for interim authority to connect an unlimited number of Phonemaster 1040 units to defendants' systems without utility-provided protective connection devices. Limited authorizations for nonprotective connection devices were made by previous interim orders herein. Because of the apparent urgency to complainant, we will now resolve the issue of the proper approach to the problem pending possible certification.

In regard to design of the Phonemaster, the record shows that the device contains unbalanced terminations which could cause crosstalk and excessive noise on the network. (Tr.505,607-8.) This design deficiency may possibly not affect other customers, but the lack of adequate time delay in the Phonemaster could cause misdirected telephone calls and improper billing (Tr.444,495). Although these and any other design deficiencies in the current or subsequent Phonemaster units can presumably be corrected, reasonable assurance of

proper design of each unit would seem to require some design certification procedure before permitting unlimited connection to the utilities' systems without utility-provided protective connection devices.

We do not concur with Pacific's position that the *Phonemaster* must provide additional time delay even if connected through a utility-provided protective connection device. In the absence of certification, there would be no more guarantee against inadequate time delay than there would be against unbalanced terminations or any other undesirable or unsafe condition. The utility should incorporate the time delay in its own protective connection device when needed to prevent misdirected telephone calls or improper billing. If certification and nonprotective connection devices become feasible, the time delay could become one of the certification requirements.

In regard to the manufacture of the *Phonemaster*, the record shows that some models incorporated a power supply not listed by Underwriters' Laboratories (UL) and not tested to insure against passage of high voltage (Tr. 587-8, 969-71, 973). Although these and any other manufacturing deficiencies in the current or subsequent *Phonemaster* units can presumably be corrected, reasonable assurance of proper manufacturing of each unit would seem to require some manufacturing certification procedure.

In regard to the installation of the *Phonemaster*, in at least one instance the 110-volt power cord was fastened together with telephone cables (Tr. 454) and in another case the device was placed so that the main power cord could not be unplugged. (Tr. 455.) Although these and any other installation deficiencies in the current or subsequent *Phonemaster* units can presumably be corrected, reasonable assurance of proper installation of each unit would seem to require some installation certification procedure.

In regard to the maintenance of the *Phonemaster*, the record shows that the units are either leased or sold to telephone customers. (Tr. 387.) Reasonable assurance of the continuing proper operation of each unit, even though the design, manufacture and installation had been approved, would seem to require some maintenance certification procedure.

Pacific's tariffs provide for a Model ZZAGM protective connection device for toll call diverters. The ZZAGM requires six wires to be supplied from the diverter. Phonetele refused to provide more than the four wires it normally would provide for a nonprotective connection device, so Pacific developed a more complex modification of its ZZAGM which functions with only four connecting wires. This adds to the cost and complexity of the connection device but Pacific has not provided sufficient information to establish a different rate for the modified unit. Until a different rate is requested, justified and authorized, Pacific should provide either a six-wire or a four-wire unit under its present tariffs, so that complainant can obtain service without redesigning the Phonemaster.

General's tariffs do not yet include a schedule for a utility-provided protective connection device to accommodate the Phonemaster.

#### Findings and Conclusion

1. Without some acceptable form of certification, there is insufficient assurance that the design, manufacture, installation and maintenance of complainant's Phonemaster 1040 units would qualify the units for a utility-owned nonprotective connection device.

2. Utility-provided protective connection devices should include appropriate time-delay provision when needed to prevent misdirected telephone calls or improper billing.

The Commission concludes that utility-provided protective connection devices are necessary and appropriate for the Phonemaster 1040 unless and until a suitable certification program is established and implemented.

#### INTERIM ORDER

IT IS ORDERED that:

1. Within ten days after the effective date of this order, General Telephone Company of California (General) shall file a tariff schedule for utility-provided protective connection devices incorporating the same connection fees and monthly charges as those for the Model ZZAGM of The Pacific Telephone and Telegraph Company (Pacific).

2. As soon as sufficient numbers of utility-provided protective connection devices are available for all existing unprotected Phonemaster 1040 installations in the utility's service area, Pacific and General shall install the units pursuant to their tariffs and shall commence monthly charges on those units and any other units upon which monthly charges have been deferred pursuant to previous interim orders herein. Installation charges will be waived for units already installed for test purposes pursuant to previous interim orders herein.

3. Pending further order herein, future utility-provided connection devices for Phonemaster 1040 units will be of the protective type, installed and charged for pursuant to Pacific's and General's tariffs.

4. Unless and until authorized to do otherwise, Pacific and General shall provide either a four-wire or a six-wire protective connection device, at the customer's request, under the same rates.

5. Pacific and General shall provide any necessary time-delay provisions in their protective connection devices for avoiding misdirected calls and improper billing.

The effective date of paragraph 4 of this order is the date hereof. The effective date of the balance of the order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 18<sup>th</sup> day of JULY, 1972.

Vernon L. Sturgeon  
President  
William J. Guigas  
J. H. Whitaker, Jr.  
John W. Brown  
Commissioners