

SW/c:k

Decision No. 80355

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ERNST MAROSCHAK,

Complainant,

vs.

PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

Case No. 9266

(Filed August 25, 1971)

Ernst Maroschak, in propria persona,
complainant.
Richard Siegfried, Attorney at Law,
for defendant.

O P I N I O N

Complainant asserts that defendant required complainant to pay telephone bills which were not the responsibility of complainant on penalty of having complainant's own telephone service disconnected. Defendant denied the allegation. Public hearing was held before Examiner Robert Barnett on April 7, 1972, at Los Angeles.

The dispute concerns three telephone numbers:

(1) number 243-9718, a residence telephone in complainant's name, where complainant paid \$41.90 on what he asserts was an improper telephone bill; (2) number 241-2127, where complainant paid \$207.99 on a telephone bill which he claims was not his responsibility; and (3) number 245-1812, a business telephone, where complainant alleges that he paid \$725.07 on a telephone bill that was not his responsibility.

Defendant agrees to refund \$41.90 on the bill for telephone number 243-9718 because that amount was charged to the telephone after complainant requested that the telephone be disconnected and after complainant no longer used the telephone. Defendant admits collecting \$207.99 from complainant on the charges for telephone number 241-2127 and asserts that this collection was made pursuant to a judgment of the Glendale Municipal Court in Small Claims Action No. 34214 against complainant. Defendant asserts that telephone number 245-1812 was not the responsibility of complainant; that charges for that number are the responsibility of a corporation that once employed complainant; that complainant is not responsible for the balance on that telephone bill of \$725.07; and that complainant has never paid \$725.07 or any part of it on telephone number 245-1812. The \$725.07 was incurred between July 1970 and September 1970.

As defendant has agreed to refund \$41.90 on one telephone bill and has a judgment against complainant for \$207.99 on another telephone bill, which it collected and which judgment we will not go behind, there remains in dispute only the amount of \$725.07 on telephone number 245-1812. As to this amount complainant testified that he paid the money and defendant's witness testified that defendant never received it. Complainant's evidence in this case was very thorough on all issues except the payment of \$725.07. As to other telephone billings and payments, complainant attached a number of exhibits to his complaint, which were introduced into evidence, which showed checks payable to defendant for telephone service. None of these checks show any payments by complainant to defendant for \$725.07 or any part of that amount for the period July-September 1970 for number 245-1812.

At the hearing the presiding officer granted to complainant an additional thirty days in which to submit photostatic copies of the checks which he testified were paid to defendant to satisfy the \$725.07 bill. On May 16, 1972, the Commission extended time for submission of this documentary evidence until June 16, 1972, and on June 16, 1972, the Commission again extended time until June 30, 1972. As of this date this additional evidence has not been submitted. We find that complainant did not pay \$725.07 or any other amount to defendant for bills rendered on telephone number 245-1812. The Commission further finds that complainant does not owe \$725.07, or any other amount, for charges incurred on telephone number 245-1812. The Commission concludes that defendant shall pay \$41.90 to complainant and that the remainder of the complaint should be dismissed.

O R D E R

IT IS ORDERED that defendant shall pay \$41.90 to complainant and that the remainder of the complaint is dismissed.

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

Dated at San Francisco, California,
this 8th day of AUGUST, 1972.

Vernon L. Stryker
President
William J. Quinn
William J. Quinn
James W. Quinn
James W. Quinn
Commissioners