

MW

Decision No. **80518**

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Stephen D. Eder,
Complainant,
vs.
Pacific Telephone Co.,
Defendant.

Case No. 9408

ORDER OF DISMISSAL

Complainant alleges that he is a residential subscriber of defendant's telephone service in defendant's Area Code 213. He further alleges that he makes many calls each month into defendant's Area Code 805, for which he is charged 35¢ for the first three minutes and 11¢ for each additional minute. Complainant alleges that other telephone exchanges within Area Code 213 may take advantage of defendant's Optional Residential Telephone Service (ORTS) for a flat fee of \$4.95. Complainant asks that his phone bill be adjusted so as to give him equal treatment with these other exchanges in his area.

Pursuant to Rule 12 of the Commission's Rules of Practice and Procedure, defendant submitted a letter to the Commission indicating that defendant is in the process of obtaining and installing ORTS equipment throughout California. Defendant states that this service is scheduled to be operative in complainant's area by the first quarter of 1974.

Under defendant's program of gradual conversion, there will undoubtedly be rate disparities between the converted and unconverted exchanges in making calls to different areas. If defendant

were required to withhold initiation of any ORTS service until all exchanges within the area were converted, this would cause an unnecessary expense to customers who would be subscribers to this optional service. If defendant were required to adjust all rates within an area to ORTS rates before installation of the new equipment, this would penalize defendant in its efforts to continually upgrade service.

Section 453 of the Public Utilities Code states;

".... No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any other respect, either as between localities or as between classes of service. The commission may determine any question of fact arising under this section."

Unless it can be shown that defendant has unreasonably discriminated against a particular exchange in the manner in which it is setting up its conversion schedule, there would appear to be no basis for complaint on the part of complainant.

The complaint herein alleges no such unreasonable discrimination on the part of defendant in setting up its schedule of conversion. Therefore, the complaint must be dismissed. Complainant is advised that he should consult with defendant's representatives as to alternative services which might minimize this bill.

Complainant having failed to state a cause of action, the complaint herein is dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 19th day of SEPTEMBER, 1972.

Vernon L. Sturgeon
President

William J. ...

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Commissioners