

ORIGINAL

Decision No. 80718

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARVIN LIBLICK,

Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,

Defendant.

Case No. 9338

(Filed March 1, 1972)

Marvin Liblick, in propria  
persona, complainant.  
Richard A. Siegfried, Attorney  
at Law, for defendant.

ORDER OF DENIAL

The complaint of Marvin Liblick, herein considered, is brief and, except for the caption and verification, reads as follows:

"Concerning the Southern California Telephone Co., I feel I am being forced to pay a fee for an extra listing in the Los Angeles Classified Telephone Directory, or not pay and have to do without a listing I'm entitled to.

"Negligence on the part of the telephone company in planning these types of listings has caused a confusing situation not only for myself, but for callers as well. I have been given a Beverly Hills phone number in a Los Angeles zip code area, and I was not informed, upon installation, that I was to be listed

only in the Beverly Hills Directory. This has created a problem in that my residence address is designated as Los Angeles, not Beverly Hills.

"Upon making a complaint to the telephone company, I was advised that I would have to pay an extra fee in order to be listed in the Los Angeles Directory. I don't feel that this is warranted as (a) I did not request a Beverly Hills exchange, and (b) I reside in Los Angeles.

"I truly feel that the present situation creates a hardship for me, both from an emergency standpoint and a safety hazard. Consequently, I feel that the phone company should have corrected this condition long ago. At the very least, a party should be listed in the directory of the zip code area he lives in, and, in a situation of this sort, should be listed in both directories, automatically. I would much prefer to move out of the area altogether, rather than pay a fee to be listed in a directory, as I feel this is encouraging the telephone company to inconvenience the public further."

On April 21, 1972, the defendant filed an answer to the above complaint wherein it admits that:

- (1) The complainant's residence has a Los Angeles address;
- (2) The complainant has telephone service, 652-4574, which is in the Beverly Hills exchange; and
- (3) The complainant's free listing appears in the Beverly Hills directory.

For a separate and alternative defense, defendant alleges:

The complaint does not set forth facts sufficient to constitute a cause of action. Section 1702 of the Public Utilities Code provides in pertinent part that a complaint must set forth:

"\* \* \* any act or thing done or omitted to be done by any public utility, including any rule or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation, of any provision of law or of any order or rule of the commission \* \* \*".

The complaint contains no allegations establishing that defendant has violated any provision of law or any order or rule of the Commission. The defendant states that while it is true that the complainant's residence has a Los Angeles address, it actually falls within the Beverly Hills exchange, and that, therefore, in accordance with Schedule Cal. P.U.C. No. 17-T, 10 Revised Sheet 3, paragraph (1) (a), the complainant is only entitled to a free listing in the Beverly Hills directory. Paragraph (1) (a) provides:

"(1) Primary Service Listings

(a) Service in Normal Exchange

Subscribers are entitled without additional charge to primary service listings in the alphabetical (white) section of the directory as follows:

Each individual line or party line  
primary station-----One Listing".

Defendant denies that the complainant is entitled to the relief sought in the complaint and requests that the complaint be dismissed.

A public hearing on the complaint was held before Commissioner Moran and Examiner Rogers in Los Angeles on September 28, 1972, and the matter was submitted.

The complainant was sworn and affirmed the allegations of his complaint.

The defendant called as a witness Mr. Robert R. Odom, its Directory Staff Supervisor, whose responsibilities include directory cover design, introductory pages, directory rearrangements and directory coverage in the Southern California Region.

Mr. Odom testified that Mr. Liblick has a one-party flat rate residential service at 705 Westmount Drive, Apt. 208, Los Angeles, California, telephone number 652-4575, and that under Schedule Cal. P.U.C. No. 17-T, 10th Revised Sheet 3, Paragraph (1) (a), all residential customers, including Mr. Liblick, are entitled to a listing without additional charge in the alphabetical section of the directory serving the exchange in which their telephone is located; and that residential services are not entitled to a listing in a classified directory.

The witness presented Exhibit No. 1, a two-page exhibit. Page one shows the areas covered by the eight alphabetical directories in the Los Angeles extended area, and the second page is a blowup of the portion of the area served by the Western and Central directories included in the diagonally outlined area on page 1, with a heavy black line representing the dividing line between the Western and Central directory areas, and complainant's approximate location, which is in unincorporated Los Angeles County territory, shown by a red star. The witness said Mr. Liblick's residence is in the Beverly Hills telephone exchange and as a consequence his directory listing is in the Western alphabetical directory.

Mr. Odom stated that Schedule Cal. P.U.C. No. 17-T, 9th Revised Sheet 5, states, "Listings in the alphabetical (white) section of the directory are intended solely for the purpose of identifying subscribers telephone numbers as an aid to the use of telephone service"; that if a caller looks in any directory other than the Western alphabetical they will not find complainant's name; that, as an aid to the directory user, all of defendant's directories contain a map as shown by page 1 of Exhibit 1; that this map enables the directory user to determine what directory he should use to obtain the desired number; that if the calling party does not have the proper directory or is unsure of the directory to look in, his next obvious course of action is to call the Directory Assistance operator, and she will furnish the number; that, for example, if the calling party tells the operator Mr. Liblick lives in Beverly Hills she will look in the Western alphabetical information directory and will find Mr. Liblick's number; that if the calling party tells the operator Mr. Liblick lives in Los Angeles, she will look in the Central alphabetical information directory and will find Mr. Liblick; and that there is no way for a calling party not to get Mr. Liblick's number if he tells the operator that Mr. Liblick is in either Beverly Hills or Los Angeles.

The witness testified that, although complainant is not entitled to a free listing in the Los Angeles Central directory, the Directory Assistance operator has for her use a "Directory Assistance operator directory" somewhat different than the directories delivered to customers in that, for instance, some listings are included in such directories that are not included in the directories delivered to the public, and complainant's number is one of such.

Mr. Odom further testified, in explanation, that in addition to listing all Los Angeles exchange customers in the Los Angeles Directory Assistance operators directory, which is a special directory, as stated, for the use of defendant's employees, certain other listings, called "chevron" listings, are also included; that these "chevron" listings are specifically designed to take care of situations like Mr. Liblick's; that telephone boundaries and political boundaries do not always agree; that the calling party may not always know in which community a person lives or in which directory his telephone number may appear; that this is particularly true if the community and the telephone exchange boundaries are different; that consequently defendant lists those customers in the information directories serving both cities; and that Mr. Liblick is one of the customers that has a "chevron" listing in the Los Angeles Central Directory Assistance operators directory.

The witness stated that Mr. Liblick's number is listed in the Los Angeles Central Directory Assistance operators directory, as shown by Exhibit No. 2, which is a photo of a page from said directory. The witness said that, in summary, complainant's number is listed in the Western alphabetical directory delivered to all subscribers living in the Western area, and the special Western directory and Central Section Alphabetical Directory Assistance operators directories at no extra charge to complainant.

The witness said that as outlined in Tariff 17-T, 3rd Revised Sheet 12, Paragraph 6, additional listings for residential subscribers may be arranged for at the additional listing rate, 40 cents per month, and that complainant could purchase a listing in any of defendant's alphabetical directories.

The witness said that in the Beverly Hills exchange, approximately 22,000 subscribers have Los Angeles post office addresses and are not listed in the Los Angeles Central directory; and in the adjoining Culver City exchange, approximately 18,000 subscribers have Los Angeles post office addresses and are not listed in the Los Angeles Central directory.

The witness said that if Mr. Liblick were listed in both the Western and the Central directories at no extra charge, an additional 68,000 subscribers in similar situations would be entitled to similar duplicate listings and the net result would be an additional annual expense to the defendant of approximately \$100,000 (Exhibit No. 3).

The witness further testified that political boundaries are not used as a basis for directory boundaries for the reason that political boundaries are not permanent; that with city growth and annexations, political boundaries are fluid; that for example, Beverly Hills has had twelve separate annexations since incorporating in 1914 and Culver City has had 37 since 1917; that there are 11 cases where there were two or more annexations in one year; that establishing directory boundaries based on political considerations would require constant rearrangement of directories; that directory users would be constantly confused as to what directory to use; that there would be no stability in the product; that directory advertising rates would fluctuate because advertising rates are based on circulation; that those in the directory gaining the annexation could have their rates increased and those in the

directory losing this annexation could have their rates decreased; that they would also lose some of the effectiveness of their advertising and would be forced to advertise in more directories just to maintain the coverage of their existing market; that it would move those advertisers in the annexation completely out of the directory that covers their marketing area; that there would be the problem of which directory to list those customers living in unincorporated county areas; that exchange boundaries remain constant; that they are the building blocks of the business; that they determine rates that customers pay; that they determine free calling area; and that they also determine directory circulation which in turn determines directory advertising rates.

In addition, the witness listed numerous cogent reasons why a subscriber cannot be permitted to choose the directory in which he is listed. He stated that, among other reasons, if the customer could select the directory in which to be listed, there would be no way to instruct the calling party where to look for the number; that it would not be practical to deliver to each subscriber all eight Los Angeles telephone directories; the information in each directory relative to message units and toll charges would be incorrect.

We find that complainant's telephone number is listed in the correct directory; that such listing is in conformance with defendant's filed tariff; that complainant may secure additional listings in any of defendant's Los Angeles Extended Area directories for \$.40 each per month; and that complainant is not, at his address, entitled to a free listing in the Los Angeles Central telephone directory.



Therefore, IT IS ORDERED that the complaint herein is denied. ✓

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

Dated at San Francisco, California, this 14th  
day of NOVEMBER, 1972.

Vernon L. Stenger  
President  
William J. Stenger  
William J. Stenger  
William J. Stenger  
William J. Stenger  
Commissioners