

ORIGINAL

Decision No. 81021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BEVERLEY J. HAYNES
ROBERT B. DIETER,

Complainants,

vs.

PACIFIC TELEPHONE, a corporation,

Defendant.

Case No. 9388
(Filed June 9, 1972)Robert Dieter, for himself, complainant.Warren Baker, for complainants.Robert E. Michalski, Attorney at Law, for defendant.Hugh Dougherty, Attorney at Law, and Col. Geo. H.White, for themselves, interested parties.O P I N I O NSynopsis of Complaint

By this complaint, Beverley J. Haynes and Robert B. Dieter (complainants) seek an order from the Commission requiring The Pacific Telephone and Telegraph Company (defendant) to make available to the public a complete timetable for the total renovation of the existing Stinson Beach-Bolinas telephone system to eliminate the service problems enumerated in the complaint. Complainants request that the timetable include detailed information as to what will be done, why it will be done, and how long each portion of improvement will take. Complainants further request that this timetable be presented to the public and the Commission at a subsequent public hearing for their comment and/or ratification. In addition, complainants ask that "upon approval of the appropriate bodies, the terms of this timetable to be rigidly enforced by the Public Utilities Commission or its delegates and the public informed of the reasons for any exceptions."

Complainants also request "that the burden of proof of calls be transferred to the phone company until an automatic billing system is installed. This could be implemented by having the phone company confirm all billed telephone calls, i.e., placing in the bill not only the number called and its cost, but also who is the user of record of that phone."

In support of these requests, complainants allege that service is faulty and inadequate. There are numerous breakdowns which prevent the making of local calls. It is difficult to dial either into or out of the area. There are disconnects in mid-call, and lines are so noisy as to be unusable. In many cases calls can only be made with operator assistance, and sometimes not at all. In many cases the information operator is unreachable.

Complainants further state that the lack of automatic billing facilities results in erroneous bills, the burden of correcting such bills being on the customer. Complainants charge defendant with a "total lack of civic concern" and a "tunnel vision economic picture" in that it has delayed the construction of a new central office, has not altered the message unit rate to other parts of Marin County, San Francisco, or anywhere else outside of the local dialing area which was recently expanded to include Mill Valley and Corte Madera.

Answer

In its answer defendant denies the allegations of faulty and inadequate service, admits that operator assistance may be necessary to make certain outside calls and is necessary to get directory assistance. Defendant alleges that the burden of proof is on itself to identify a charge questioned by a customer. While there is no "Automatic Number Identification" (ANI), there is a system known as "Operator Number Identification" (ONI).

Defendant denies the allegations made in the complaint under the headings "Total Lack of Civic Concern" and "A Tunnel Vision Economic Picture", except that it admits that the expansion of the local calling area pursuant to this Commission's Decision No. 74917 did not change the message unit rates of calls outside of the new local area nor change complainants' basic exchange rate.

As separate and affirmative defenses defendant alleges that the central office serving the Stinson Beach-Bolinas exchange area has not reached full customer capacity, that its operations are within engineered service levels, and no major equipment failures have occurred within the last year.

Defendant also alleges that there are no immediate plans to convert the Stinson Beach central office to an automatic number identification. The present operator number identification system is said to be not uncommon to small central offices.

Defendant also alleged that significant steps have been taken since February of 1972 to correct and improve the service in the Stinson Beach-Bolinas exchange area as follows:

1. Augmentation of incoming and outgoing trunks to assure adequate trunking levels.
2. Elimination of open exposed wiring and installation of carrier equipment.
3. Complete rehabilitation of the Stinson Beach Central Office by September 1972 is scheduled. (At present, 70% of the equipment has been rehabilitated.)
4. Craftsmen who maintain the Stinson Beach Central Office equipment have been trained by the manufacturer. (Training of additional personnel is scheduled.)
5. At least one craftsman checks the equipment at the Stinson Beach Central Office on a daily basis.
6. Cameras were installed to photograph all registers, thereby enabling observations, on an hourly basis, of the results of the operation in the Stinson Beach Central Office.

7. Test calls are made twice a week to obtain a sampling for measurement of the service to the customer.
8. Operator-manned traffic service positions located in San Francisco have been dedicated to answer calls placed in the 868 exchange area. This dedication of operator positions reduces the amount of customer waiting time before a call is answered.
9. Cables have been pressurized to prevent moisture from entering and causing trouble.

Hearing

After due notice, hearing on this complaint was held before Examiner Boneysteele at Stinson Beach on October 10 and 11, 1972 and the matter submitted subject to the filing of a late-filed exhibit within 30 days.

Complainants' Showing

Eight witnesses testified in behalf of complainants. These included complainant Dieter, who operates a television repair service, an attorney, the fire chief of Stinson Beach, a rancher, a retired civil engineer with extensive telephone valuation experience, the wife of a veterinarian in a nearby community, and two housewives. In addition, complainants called a deputy zoning officer of Marin County as their witness and the business manager of defendant's Mill Valley office as an adverse witness.

The testimony of the local residents reiterated the service deficiencies set forth in the complaint. In general, they complained of being billed for calls not made, inability to get dial tone, inability to complete calls out of the exchange, the absence of a ringing signal, and pay phones that require that the connection be completed before money is deposited. (Should the customer deposit the money before the call is completed, there is no provision for its return.) There were also complaints that calls were disconnected in the course of the conversation and complaints of difficulty in reaching operator or information (directory assistance).

Several witnesses testified that a practice known as "telephone trashing" was prevalent. This term was defined as the giving of some other number than one's own to the operator when making a long distance call. In response to a leading cross-examination question by defendant's attorney, a witness agreed that this and other techniques for cheating telephone companies are being widely disseminated by various publications.

One witness produced a bill listing 15 long distance calls billed for a period when she and her family were on vacation and the house locked.

Several of the witnesses, particularly those engaged in business or professional activities, complained of the effort necessary to identify by number calls that had actually been made by the subscribers. Rather than attempt to verify doubtful items, it was often more economical to eliminate the calls for which they obviously were not responsible and pay the doubtful charges.

Complainant Dieter testified in detail concerning service. He presented a petition containing 135 names. The petition listed various service problems, the most common of which was inability to reach an operator or information operator, followed closely by no dial tone and inability to make outside calls. Somewhat less frequent was improper billing and inability to complete local calls. One signer commented, "I think the phone service is pretty damn good".

In the course of his testimony Dieter described the central office arrangement which consisted of two trailers and an additional structure located adjacent to the beach. Dieter testified that the doors of the trailers were usually open during working hours, and the interiors were subject to high humidity. Relays comprising the switching equipment were not sealed against the high humidity and were not protected against the corrosive seashore atmosphere.

Dieter also testified that there was a waiting list for private lines and that it often took over 40 rings to reach an operator. He said that frequently there would be only one ring when calling San Rafael, and none when calling San Francisco, leading the caller to think that the line was dead. Dieter also protested the limited calling area available to the Stinson Beach-Bolinas exchange.

The deputy zoning officer testified that defendant had received a variance to construct a shelter over the trailers and referred to plans of the contemplated improvements. At the direction of the examiner, these plans were reproduced and submitted the following day as an exhibit.

The business manager of the Mill Valley office, called as an adverse witness, was temporarily excused at the suggestion that defendant be allowed to present its direct showing first. He was not subsequently recalled.

Defendant's Showing

Defendant called three witnesses, the District Plant Manager, the District Traffic Manager, and the Bay Area Plant Extension Studies Engineer. According to the District Plant Manager, defendant recognizes that most of the technical service problems as outlined in the complaint do exist and steps to correct them, as set forth in the answer, are being made. A preventative maintenance program for the central office equipment was being developed and dehumidifiers were to be installed in each of the trailers. The Plant Manager said that he knew of no held orders for single party lines nor for any other service. He also testified that, with the existing equipment, it would not be possible to convert "post paid" coin operated telephones to prepaid service but that plastic warning flaps had been placed over the coin slots advising patrons not to insert coins before dialing.

The District Traffic Manager described the trunking improvements designed to facilitate calling into and out of the area. He described operator number identification which presently is handling approximately 20 percent of the toll calls in California, and the problem that defendant is experiencing with "trashing". He felt that complainants' request for identification of called parties by name was impractical in that it would require an input into the billing center of a record of every telephone in the United States. He also did not believe that it would be practical to perform such verification manually because of the enormous effort involved.

The Plant Extension Engineer testified that defendant had plans for a new switching machine by the time the existing equipment reaches its ultimate capacity of 1,200 main stations as contrasted with 900 working main stations at present. He presented an exhibit which showed that in November of 1970 it was anticipated that capacity would be reached early in 1976. This forecast has been revised twice subsequently, and in July of 1972 it was estimated that existing capacity would not be reached until early in 1979. The witness estimated that a total of \$115,000 would be required to provide the features of automatic number identification and direct dial to repair service and directory assistance. The witness further testified that defendant has a program for converting the 20 percent of the central offices in California using ONI to automatic number identification over the next six or seven years. Those that are not being modified for ANI are scheduled for replacement in the foreseeable future. Stinson Beach-Bolinas is one of those to be replaced.

Other Evidence

The design drawings for the temporary enclosure, which were submitted as an exhibit at the request of the examiner, indicate that the trailers are to be covered and screened by a redwood plywood

structure with ventwood panels to admit light and air. The drawings were prepared by a professional architect and include landscape design. A mechanical design of a heating, cooling, and humidity control unit is provided, together with suitable electrical design by a registered electrical engineer.

The examiner requested a late-filed exhibit of the revenue losses due to "trashing". For July, August, and September this amounted to \$616.96.

Discussion of Evidence

It is clear from the testimony that defendant is aware of the service deficiencies in the Stinson Beach-Bolinas exchange and is taking necessary steps to correct them. We do not see the need to establish a rigid timetable for improvements as requested by complainants. We will expect defendant to continue with its program for service improvements and to make quarterly reports to the Commission until the Commission, upon the advice of its technical staff, is of the opinion that service levels are adequate. The Commission may then, by Secretary's letter, advise defendant to discontinue the progress reports.

The matter of operator number identification is another question. Defendant admittedly has no plans to institute automatic number identification until the existing central office equipment is replaced. The replacement date is estimated at 1979 at the earliest. The replacement date has slipped three years in the 20 months between November of 1970 and July of 1972. The Commission takes official notice of the passage of the Coastal Protection Initiative, Proposition 20, at the general election held on November 8, 1972. It is reasonable to expect that this law will tend to further decelerate the rate of population growth in the Stinson Beach-Bolinas area.

The Commission also notes the substantial improvements being made to the existing Stinson Beach central office installation.

It is not to be anticipated that these improvements will tend to encourage defendant to replace the existing central office equipment with any undue haste.

As brought out by defendant's attorney, techniques for cheating telephone utilities are being published in so-called underground magazines. Many of these techniques require a degree of electronic sophistication. In the face of such widespread evasion of charges for telephone service, the use of a system as simple to thwart as ONI in an area so close to the fountainhead of underground newspapers, the San Francisco Bay Area, is both an anachorism and an anachronism.

The basic law under which this Commission operates, the Public Utilities Code, provides as part of Section 451 that:

"Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

In Section 453 the Code also provides that:

"No public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. 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."

In the face of the prevalent practice of "trashing", it does not appear reasonable to subject the telephone using public of Stinson Beach-Bolinas to the necessity of recording and identifying each call made outside of the free calling area for the next six years, and quite possibly much longer. Under these conditions,

ONI cannot be said to be an adequate, efficient, just, and reasonable service nor can ONI be said to promote the convenience of defendant's patrons or the public in the Stinson Beach-Bolinas exchange. The maintenance of ONI in the Stinson Beach-Bolinas exchange also cannot, under the conditions prevailing in this exchange, be considered a reasonable difference as to service and facilities, as compared to service and facilities prevailing in other parts of defendant's service area. In the order which follows, we will order the utility to provide a means of positively identifying the main station originating a call to a point outside of the free calling area. We will not require, however, because of the cost and effort involved, that while such means are being implemented defendant identify by name the party called.

Although the complaint finds fault as to the extent of the local calling area, it was not signed by 25 actual or prospective customers, nor by an appropriate public officer, as required by Section 1702 of the Public Utilities Code. The examiner did not permit a showing on this point, and it will not be considered herein.

Findings

1. Telephone service in the Stinson Beach-Bolinas exchange is in need of improvement.
2. The steps outlined in the answer to the complaint, together with those described by defendant at the hearing, should result in an adequate level of service in the subject exchange.
3. Defendant should make quarterly reports to the Commission of the status of the steps taken to improve service in the Stinson Beach-Bolinas exchange.
4. Defendant should make quarterly reports for the Stinson Beach-Bolinas exchange of the Telephone Service Measures set forth in Section 3 of this Commission's General Order No. 133. The reports

shall be filed according to the procedures set forth in Section 4 of the General Order. For these reports the limitations as to number of stations and volume of calls shall not apply.

5. The reports should be continued until the Commission is of the opinion that service is adequate.

6. Operator number identification, under the conditions described above, is not an adequate, efficient, just, and reasonable service and does not promote the convenience of defendant's patrons nor the public in the Stinson Beach-Bolinas exchange.

7. The use of operator number identification, under the conditions prevailing in the Stinson Beach-Bolinas exchange, is an unreasonable difference in service and facilities from that prevailing in other parts of defendant's service area.

8. Defendant should provide a means of positively identifying a main station originating a call to a point outside of the free calling area.

9. Except as granted herein, the relief requested by complainants shall be denied.

O R D E R

IT IS ORDERED that:

1. Defendant shall make quarterly reports to the Commission of the status of the steps taken to improve service in the Stinson Beach-Bolinas exchange. Such reports shall be filed coincidentally with those ordered below.

2. Defendant shall make quarterly reports for the Stinson Beach-Bolinas exchange, according to the procedures set forth in Section 4 of General Order No. 133, of the Telephone Service Measures set forth in Section 3 of that General Order. The initial report shall be for the months of February and March. For the reports required by this ordering paragraph, the limitations set forth in the General Order as to number of stations and volume of calls shall not apply.

3. The reports required by ordering paragraphs 2 and 3 above shall be continued until the Commission, by means of a letter signed by its Secretary, advises defendant and complainants that such reports will no longer be required.

4. Defendant shall, on or before December 31, 1973, provide a means of positively identifying a main station in the Stinson Beach-Bolinas exchange originating a call to a point outside of the free calling area.

5. Except as granted herein, the relief requested in the complaint is denied.

6. The Secretary of the Commission is directed to cause personal service of this order to be made on each complainant and defendant. The effective date of this order shall be twenty days after the completion of such service.

Dated at San Diego, California, this 6th
day of FEBRUARY, 1973.

Vernon L. Sturgeon
President
William J. Lyons
William J. Lyons
William J. Lyons
William J. Lyons
Commissioners