

Decision No. 81060

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Hinda Greenberg,

Complainant,

vs.

Pacific Telephone Company,
a corporation,

Defendant.

Case No. 9448
(Filed October 4, 1972)

Hinda Greenberg, for herself, complainant.
Katherine V. Tooks, Attorney at Law, for
The Pacific Telephone and Telegraph
Company, defendant.

O P I N I O N

A public hearing on the above complaint was held before Examiner Daly on January 5, 1973 at San Francisco.

The record indicates and the Commission so finds that:

1. Complainant was a subscriber to defendant's telephone service (647-1763) until May 18, 1972 when her service was superseded without a closing bill being involved.

2. As a result of the supersedure a refund in the amount of \$22 was paid to the new subscriber of the aforementioned service in compliance with the provision of Section D.4. of Appendix A attached to Decision No. 80346 dated August 8, 1972 in Application No. 51774 and Cases Nos. 9036 and 9042, which reads as follows:

"4. Supersedures.

Supersedures involving a closing bill will be handled as a regular final account. Supersedures not involving a closing bill will be treated as continuous service and the refund will be made only to the current account."

3. Several days prior to executing the supersedure form, complainant contacted a service representative of defendant and requested a discontinuance of service because she was preparing to move and an acquaintance was going to take over her premises. During the course of conversation defendant's representative suggested the supersedure procedure as a matter of convenience.

4. As a result of the supersedure the new subscriber did not have to pay a \$15 installation charge.

5. Although the representative of defendant with whom complainant spoke did not remember the particular conversation, she testified that it is the business practice of defendant not to initially suggest the supersedure procedure because of the additional paper work involved.

Complainant contends that in following the advice of defendant's representative she was deprived of the refund; that had she been aware of the possibility of a refund she would not have signed the supersedure form; and that defendant is using the simplest refund method rather than the most just.

Complainant's position is without merit. The refund order was not signed until August 8, 1972, and the decision of the Supreme Court of the State of California, which gave rise to the refund order, was not issued until June 9, 1972. Under the facts of this case defendant's clerk was not required to suggest the possibility of a refund. It appears that at the time complainant was more interested in the \$15 her acquaintance would save in not having to pay the installation charge.

With respect to the reasonableness of the refund order as set forth in Decision No. 80346, the time for filing a petition for rehearing has long since passed.

The Commission concludes that the relief requested should be denied.

O R D E R

IT IS ORDERED that the relief requested is denied.

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

Dated at San Francisco, California, this 21st
day of FEBRUARY, 1973.

Vernon L. Sturgeon
President
William J. Lyons, Jr.
John H. Smith
John H. Smith
John H. Smith
Commissioners