

ORIGINAL

Decision No. 81159

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Associated Comm. Service,
R. M. Elliott Enterprises,

- Complainant,

vs.

The Pacific Telephone and Telegraph
Company,

Defendant.

Case No. 9411
(Filed July 28, 1972)

Mager, Matthews & Neider, Associated
Communications and Electronics, Inc.,

Plaintiff,

vs.

The Pacific Telephone and Telegraph
Company,

Defendant.

Case No. 9414
(Filed July 31, 1972)

Associated Comm. Service,
Malovos & Chasuk, Inc.,

Complainant,

vs.

The Pacific Telephone and Telegraph
Company,

Defendant.

Case No. 9417
(Filed July 31, 1972;
amended Sept. 14, 1972)

William O. Halleran and C. P. Murphy, Jr.,
for complainants.

Milton J. Morris, Attorney at Law, for defendant.

OPINION AND ORDER

Complainant Associated Communications and Electronics, Inc.¹ (AC&E), a purveyor of customer-owned telephone equipment, seeks an interim order prohibiting harassment and threat of disconnection by defendant The Pacific Telephone and Telegraph Company² (PT&T) and a final order requiring PT&T to provide a protective interconnection device which is compatible with equipment sold by AC&E.

In Case No. 9411, AC&E was originally joined by R. M. Elliott Enterprises (Elliott), a telephone customer of PT&T who had purchased key telephone equipment from AC&E and wished to have it connected to the PT&T system. Elliott now has returned the key telephone equipment to AC&E and no longer seeks any relief (Tr. 46) from this Commission.

In Case No. 9414, AC&E is joined by Mager, Matthews and Neider (MM&N), a telephone customer of PT&T who has purchased key telephone equipment from AC&E. PT&T originally had provided a protective interconnection device, C2ACP, which was incompatible with the customer-owned equipment. PT&T later provided a compatible unit, STC. The STC was first provided under special contract but, inasmuch as a tariff filing has since been approved by the Commission, is now provided under filed rates.

In Case No. 9417, AC&E is joined by Malovos & Chasuk, Inc. (M&C), another customer of PT&T who has purchased key telephone equipment from AC&E. The history of interconnecting arrangements is similar to that in Case No. 9414. In the amendment to Case No. 9417, complainants further request that no protective interconnection device whatsoever be required or, in the alternative, that a lower

¹ Sometimes referred to in various documents in these proceedings as "Associated Communications Service" or "Associated Comm. Service."

² Sometimes referred to in various documents in these proceedings as "Pacific Telephone and Telegraph Company", "Pacific Telephone and Telegraph Co." or "Pacific Telephone and Telegraph."

rate be charged for the protective connection device than is provided by PT&T's filed tariffs.

Public hearing on a consolidated record was held before Examiner Catey at San Jose on December 4, 1972. Complainants presented testimony by AC&E's president and by a principal of Elliott. Defendant presented testimony by one of its engineers. The matters were submitted on December 4, 1972, the reporter's transcript was filed on January 12, 1973, and the matters are now ready for decision.

A review of the record leads to the following findings:

Findings

1. At the time these complaints were filed, PT&T did not have provisions in its tariffs for a protective interconnection device which would be compatible with key telephone equipment sold by AC&E to Elliott, MM&N, and M&C.
2. Filed tariffs (Exhibit No. 6) for a compatible protective interconnection device were authorized by the Commission and became effective September 18, 1972.
3. PT&T provided evidence (Exhibit No. 5) showing that a protective connection device is needed for the key telephones sold by AC&E to Elliott, MM&N, and M&C.
4. Complainants did not refute the evidence presented by PT&T regarding the need for a protective connection device. In fact, AC&E's president conceded (Tr. 20-21) that there is some protection necessary in connecting the customer-owned equipment to the utility lines, particularly in instances where the equipment differs from the utility's normal equipment.
5. Additional issues raised at the hearing by AC&E regarding purchase of cables installed by PT&T on customers' premises were not raised in the filed complaints and are thus beyond the scope of these proceedings.

Complainants have not complied with the requirements (joint filing of complaint by municipal officials or 25 customers) of

Section 1702 of the Public Utilities Code, which requirements must be met before the Commission can entertain a complaint as to the reasonableness of PT&T's filed rates for a compatible protective connection device.

The Commission concludes that the present availability of compatible protective connection devices pursuant to PT&T's tariffs satisfies the complaints and that the complaints, therefore, should be dismissed.

IT IS ORDERED that the complaints in Cases Nos. 9411, 9414, and 9417 are dismissed.

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

Dated at San Francisco, California, this 13th day of March, 1973.

Vernon L. Sturgeon
President
William J. Gump
J. P. Williams Jr.
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.