

ORIGINAL

Decision No. 81429

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FRANK POWELL,

Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,

Defendant.

Case No. 9468  
(Filed November 10, 1972)

Frank Powell, for himself, complainant.  
James M. Phillips, Attorney at Law, for  
The Pacific Telephone and Telegraph  
Company, defendant.

O P I N I O N

The above matter was heard before Examiner Daly on April 13, 1973 at San Francisco.

Complainant testified that he is a resident of Tiburon and a subscriber to defendant's telephone service; that on November 10, 1971, November 24, 1971, December 3, 17, and 20, 1971, January 10, 21, and 22, 1972, February 22, 1972, March 10 and 28, 1972, and April 8, 1972 he called defendant's Mill Valley office and complained about unsatisfactory service for various reasons, including no connections on out-going calls, poor connections, wrong number interruptions, and unwanted recorded messages; that despite frequent complaints his telephone service remains unsatisfactory; that since February 1, 1972, there have been a number of 24-hour periods when his telephone has been totally inoperative; that at the present time he is able to place one out of eight calls; and that up to the time of filing the complaint, he had spent \$23.80 on placing local calls at nearby pay stations.

Complainant requests an order: (1) restoring good service; (2) granting complainant the right to deduct from any monies owed defendant an amount equal to the monthly service charges, plus taxes, pro-rated to the day on which service is satisfactorily restored; and (3) a money award in the amount of \$23.80.

Representatives of defendant testified that there were some difficulties in the area during the last part of 1971 and the first part of 1972; that the problems during this period were a result of equipment changes made in the Central office; that because of these difficulties credit adjustments were made to complainant's telephone bills for the months of October and November 1971, and January and February 1972 in the total amount of \$27.30; that the records from defendant's Customer Service Department indicate six trouble reports by complainant from November 29, 1971 to and including April 3, 1973; that the complaints varied from "no dial tone", "Can't call out", "can't call 411", and "gets recordings"; that on four occasions the service "tested OK" and on two occasions the difficulties complained of were corrected at the Central office; that representatives of defendant checked the telephone facilities leading into complainant's premises and, except for the line in the basement area, also examined the telephone facilities within complainant's premises; that some adjustments were made and before leaving the service "tested OK"; that the basement area was locked and complainant did not have the key; that on subsequent occasions representatives of defendant have called at complainant's premises to check the basement area, but complainant was not available; and that according to defendant's customer trouble reports within the Tiburon area, per 100 stations, the high of 9.0 in November 1971 has dropped to 3.5 in March of 1973, which is below the 5.5 set by defendant's standards and the 6.5 standard established by General Order No. 133.

After consideration the Commission finds that:

1. Complainant is a resident of Tiburon, California, and a subscriber of defendant's telephone service.
2. Defendant is a public utility subject to the jurisdiction of this Commission.
3. As a result of equipment changes in defendant's Central office in Mill Valley, service problems of a high degree were experienced within the service area during the period from November 1971 to February of 1972.
4. Complainant experienced difficulties with his telephone service during said period.
5. Complainant received credit adjustments in the amount of \$27.30 for the period November 1971 to February 1972.
6. As the result of complaints received after February 1972 representatives of defendant checked the telephone facilities leading into and within complainant's premises, except for the basement area. Subsequent attempts to check the basement area have been unsuccessful.
7. Defendant's trouble reports within the Tiburon area as of April 4, 1973 are well below the requirements of General Order No. 133.

The Commission concludes that, with the consent and cooperation of complainant, defendant should again check the telephone facilities leading into the premises of complainant and the facilities within the premises including the basement area. In addition thereto defendant should keep a detailed record of any service complaints made by complainant, including complaints to defendant's service representative, for the period of one month following the effective date of this order. A written account thereof should be filed with the Commission.

O R D E R

IT IS ORDERED that:

1. With the consent and cooperation of complainant, defendant shall examine its telephone facilities leading into and within the premises of complainant and shall file a written account thereof with the Commission within thirty days after the effective date of this order. If no inspection is made within the time specified, the report shall so state and shall specify the reason why the inspection was not made.

2. For a period of thirty days after the effective date hereof defendant shall maintain a record of any complaints that complainant may have with respect to service and within forty days after the effective date of this order shall file with the Commission a written account thereof specifying the dates and times that trouble was reported and the action taken by defendant in response thereto.

3. Complainant's requests for a money award and for the right to deduct any monies owed to defendant are denied.

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

Dated at San Francisco, California, this 30<sup>th</sup> day of MAY, 1973.

Vernon L. Stevenson  
President  
William J. Syngas, Jr.  
William J. Syngas, Jr.  
William J. Syngas, Jr.  
William J. Syngas, Jr.  
Commissioners