

Decision No. 81S97

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Antonio J. Stellato, Sr., dba)
Tow Bar Mfg., Custom Auto Body)
Shop, and S & G Motors,)

Complainant,)

vs.)

The Pacific Telephone and
Telegraph Company,)

Defendant.)

Case No. 9538
(Filed April 9, 1973)

Antonio J. Stellato, Sr., for himself, complainant.
Richard Siegfried, 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 July 27, 1973 at San Francisco, and the matter was submitted.

The complaint is in the form of a letter and makes no specific request for relief, but appears to suggest a request for the restoration of service and an award for money damages in the amount of \$20,000.

Prior to July 1973 complainant was doing business as Tow Bar Mfg. and Custom Auto Body Shop at 27185 Mission Boulevard, Hayward, California, and was a customer of defendant with the telephone number 537-3024. Complainant testified that he experienced continual service problems over a two-year period requiring the services of one of defendant's repairmen almost monthly; that many of his customers informed him that when they called his number they reached recordings to the effect that the number was no longer in service, or that the number had been disconnected without referral to any other number; that during March 1973 he commenced a new business as S & G Motors at 27177 Mission Boulevard, Hayward, California, and was given the telephone number 537-3042; that on

March 30, 1973 defendant informed complainant's adult son that the number 537-3042 had been assigned to another customer and complainant's new number for the S&G Motors business would be 538-3042; that thereafter calls placed to 537-3042 were not referred to 538-3042; that complainant suffered losses in business in excess of \$20,000; and that as of July 1973 he discontinued all of his business activities.

Defendant introduced exhibits and the testimony of two witnesses. The first witness is the manager of defendant's Hayward Business Office. She testified that on March 22, 1973 complainant ordered additional service in the name of S&G Motors; that the new service was installed on March 28, 1973, with the number 537-3042; that on March 30, 1973 it was discovered that 537-3042 was a working service assigned to another customer; that on March 30, 1973 defendant informed complainant's son that the number had been changed to 538-3042; that in addition the other customer who had the working service agreed to a number change; that this made it possible to set up a special referral of calls whereby callers to 537-3042 were questioned by the operator and the caller would be given either 538-3042, the new number of S&G Motors, or the new number of the other customer; that on April 2, 1973 she checked the referral process by calling Directory Assistance and upon requesting the number of S&G Motors was given the correct number; that she also called 537-3042 and when the operator answered and asked whom she was calling she was given the correct number for S&G Motors; that on April 11, 1973 complainant called telephone repair service and reported the following complaints:

1. Customers calling Directory Assistance requesting S&G Motors were given 537-3024, his other business number, instead of 538-3042;
2. Calls to 537-3042 were not being referred to the new number; and
3. Customers dialing 538-3042 were reaching the intercept operator and were being given a disconnect report;

that she investigated the first two complaints involving directory listings and the Plant Department checked the third complaint; that upon investigation she found that callers to Directory Assistance asking for S&G Motors were given telephone number 537-3024 rather than 538-3042; that this resulted because complainant had originally established the name S&G Motors as a joint user listing on his other service 537-3024; that as a consequence both listings appeared on defendant's information records, with the 537-3024 number appearing first; that on April 11, 1973 she issued an order removing the joint user listing from 537-3024; that with respect to the complaint that calls to 537-3042 were not being referred to 538-3042, she discovered upon investigation that sometime between April 2, 1973, when she called 537-3042 and was referred to 538-3042 by an intercept operator and April 11, 1973, when complainant made his complaints, new records were issued to the intercept operators which did not contain the special referral information; that to correct the situation all intercept records were immediately hand-posted to reflect the special information and the next reprint of the intercept records contained the correct information; that a service adjustment in the amount of \$4.26 was made for the period March 28, 1973 to April 11, 1973; that the 538-3042 service was disconnected on July 3, 1973, following written notice on June 21, 1973, for nonpayment of a bill in the amount of \$583.52; and that the 537-3024 service was disconnected on July 3, 1973 following written notice on June 22, 1973, for nonpayment of a bill in the amount of \$895.10.

The second witness for defendant is the Chief Deskman in the Hayward Plant Service Center, who testified that he checked the trouble history on complainant's telephone service 537-3024 from June 16, 1971 to July 3, 1973, the results of which were received as Exhibit 5; that during said period there were 37 trouble reports and in 12 instances trouble was found; that in

7 instances the trouble was found in the telephone set on the complainant's premise and in the other cases the trouble was found in the central office; that none of the trouble conditions would have caused complainant's service to be out for 24 hours or more; that because of the large number of trouble reports by complainant special action was taken and thereafter all subsequent trouble reports were referred to management employees; that the specific action taken in November 1971, June and November 1972, and March 1973 was set forth in Exhibit 6 and indicates that a number of test calls were made to 537-3024 from different offices and no trouble was found; that the trouble reports received on 538-3042 from the date of installation March 28, 1973 to July 3, 1973 was set forth in Exhibit 7 and indicates 8 reports of trouble; that in only two instances was trouble found; and that with respect to complainant's report on April 11, 1973 that calls to 538-3042 were going to intercept, 80 test calls were made at night on April 12, 13, 14, and 15 without a single call going to intercept and without failure.

After consideration the Commission finds that:

1. At the time of the filing of his complaint, complainant was a subscriber of defendant's telephone service with numbers 537-3024 and 538-3042.
2. Defendant is a public utility subject to the jurisdiction of this Commission.
3. During a two-year period complainant reported difficulties relating to service on 537-3024 on 37 occasions and in 12 instances defendant determined that the trouble originated in the telephone set at complainant's premises or in defendant's central office in Hayward. In all other instances no trouble was found.
4. On March 28, 1973 at the request of complainant an additional service in the name of S&G Motors was installed at 27177 Mission Boulevard and was given number 537-3042. On March 30, 1973 defendant discovered that said number was a working service assigned to another customer and complainant was given 538-3042 as a new

number. At the same time defendant put into effect a referral program whereby all calls to 537-3042 were intercepted by an operator and referred to the proper number.

5. Although Directory Assistance was notified that the S&G Motors telephone number had been changed to 538-3042 many callers were given number 537-3024 rather than 538-3042 because complainant had originally established S&G Motors as a joint user listing on 537-3024.

6. During the period March 28, 1973 to July 3, 1973 complainant reported trouble on 538-3042 on 8 occasions and defendant was able to locate trouble on two occasions; in the other instances no trouble could be found. During the period April 12 through April 15, 1973 defendant made 80 test calls at night to 538-3042 without failure.

7. On July 3, 1973 defendant, after written notice, disconnected the services on 537-3024 and 538-3042 for nonpayment of bills totaling \$1,433.62.

After consideration the Commission concludes that the complaint should be dismissed. Complainant is placed upon notice that the Commission has no jurisdiction to award money damages and that restoration of service, if he so requests, will be conditioned upon his payment of all lawfully assessed outstanding bills for telephone service.

O R D E R

IT IS ORDERED that the complaint is denied.

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

Dated at San Francisco, California, this 25th day of SEPTEMBER, 1973.

Vernon L. Stinson
President
William Lyons Jr.
William J. Lyons
William J. Lyons
William J. Lyons
Commissioners