

ORIGINAL

Decision No. 82238

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. ANNA COWART,

Complainant,

vs.

CONTINENTAL TELEPHONE COMPANY
OF CALIFORNIA,

Defendant.

Case No. 9548
(Filed April 30, 1973)

Mrs. Anna Cowart, for herself, complainant.
Robert J. Grolstein, Attorney at Law, for defendant.

O P I N I O N

By her complaint filed April 30, 1973 complainant alleges that she is a resident of Ripon, California, and a subscriber of defendant's telephone service; that she has experienced continual problems with her telephone service; that she was of the opinion that her telephone was tapped; that defendant refused to show her certain of its published tariff provisions upon request; and that certain of defendant's personnel refused to show proper identification when requested by complainant.

By its answer filed July 13, 1973 defendant admitted that there had been a shortage of toll trunks between Ripon and Manteca, which had resulted in direct dialing failures, but alleges that additional facilities were being installed; denied that complainant's telephone was tapped; denied that defendant's personnel refused to show proper identification; denied that it refused to show complainant published tariff provisions upon request; and denied each and all other allegations in the complaint.

The complaint contains no prayer and makes no request for specific relief.

A public hearing was held before Examiner Daly on October 25, 1973 at Ripon, at which time and place the matter was submitted.

The record indicates that complainant first contacted defendant by letter dated September 1, 1972 wherein she complained that her telephone was tapped. Defendant made a check of the facilities and found no tap and so informed complainant. During a three-month period from November 1972 through January 1973 complainant made six service complaints, i.e., difficulty with direct dialing and noise on the line. On four occasions defendant was unable to find any trouble and on two occasions the complaints of continual busy signals were attributed to all trunks being busy. Defendant's district manager testified that there has been a shortage of toll trunks between Ripon-Manteca and Manteca-Stockton, and that defendant is presently in the process of installing additional trunks.

On January 29, 1973 complainant filed an informal complaint with the Commission and at the same time withheld payment on her telephone bill. In response thereto defendant directed its Plant Department to make a "Class A" inspection. The inspection was conducted by two plant supervisors who were dressed in casual attire. At no time, according to defendant, was either man requested by complainant to present any identification. On February 2, 1973 defendant informed complainant that the investigation disclosed no physical tap or interference on her telephone circuit. She was also informed that in compliance with defendant's policy on all informal complaints filed with the Commission, defendant would like to replace all exterior and interior wiring as well as instruments. Complainant was also told that a circuit breaker type cut-off switch, which she had installed, would have to be removed. According to defendant, complainant agreed to having

the premises rewired and the switch removed, but thereafter complainant changed her mind. On February 5, 1973 defendant informed complainant by letter that if the cut-off key, which assertedly did not work properly, was not removed or replaced by a company cut-off key, service would be discontinued in compliance with defendant's Tariff Rule No. 11. Service was discontinued on February 14, 1973. On the same day complainant appeared at defendant's business office and requested to see a copy of Tariff Rule No. 11. Defendant's district manager was not present when complainant appeared at the office and defendant's commercial office supervisor told complainant that upon his return the manager would mail her a copy of the rule. On February 15, 1973 the cut-off switch was removed and service was restored.

On March 8, 1973 defendant again discontinued complainant's service for nonpayment of her telephone bill. It appears that complainant gave defendant a check dated January 25, 1973 in the amount of \$143.65, but shortly thereafter she stopped payment. By letter dated March 5, 1973, defendant informed complainant that unless she paid the amount in arrears plus a past-due current bill in the amount of \$44.21 her service would be discontinued as of March 8, 1973. At the time the March 5, 1973 letter was written, defendant was unaware that it had already received complainant's check for \$44.21. Thereafter complainant released her stop payment on the \$143.65 check, but defendant refused to reprocess the old check and insisted that complainant issue a new check for \$143.65. On March 21, 1973 defendant received a new check from complainant covering the \$143.65, plus an additional payment in the amount of \$23.40 covering current charges. At that time complainant informed defendant that she did not want service reconnected until she had a hearing on her formal complaint. By letter dated April 16, 1973 complainant requested that service be reconnected. Complainant is presently receiving service and all bills have been paid.

After consideration the Commission finds that:

1. Complainant is a resident of Ripon and a subscriber to defendant's telephone service.
2. Defendant is a public utility providing service pursuant to published tariffs on file with this Commission.
3. Complainant has experienced service difficulties which are primarily attributable to a shortage of toll trunks between Ripon-Manteca and Manteca-Stockton. Defendant is in the process of providing additional toll trunk facilities between said areas.
4. The record fails to demonstrate that complainant's telephone service has been tapped.
5. The record fails to demonstrate that defendant refused to show complainant tariff provisions upon request.
6. The record fails to demonstrate that defendant's employees refused to provide identification upon request by complainant.
7. On February 14, 1973 after notice, defendant discontinued complainant's telephone service because complainant had refused to remove a circuit breaker type cut-off switch, which defendant claims was malfunctioning. The cut-off switch was subsequently removed and service was restored on February 15, 1973.
8. On March 8, 1973 defendant again discontinued complainant's service because complainant stopped payment on her check in the amount of \$143.65. Complainant issued a new check for \$143.65 and paid all current telephone charges, but requested that service not be restored.
9. By letter dated April 16, 1973 complainant requested the restoration of service and in compliance therewith service was thereafter restored.

The Commission concludes that although complainant has experienced service problems, which defendant is in the process of correcting, many of the difficulties experienced can be attributed to misunderstandings between the parties. Since complainant requests

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no specific relief and the parties have apparently resolved their differences, the complaint will be dismissed.

O R D E R

IT IS ORDERED that the complaint set forth in Case No. 9548 is dismissed.

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

Dated at San Francisco, California, this 7th day of DECEMBER, 1973.

Vernon L. Stinson
President
William J. Stinson
John J. Stinson
John J. Stinson
John J. Stinson
Commissioners