

ORIGINAL

Decision No. 82418

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JEAN T. WILLIAMS

Complainant,

vs.

GENERAL TELEPHONE COMPANY OF  
CALIFORNIA,

Defendant.

Case No. 9569  
(Filed June 13, 1973)

Jean Williams, for herself,  
complainant.

A. M. Hart, H. R. Snyder, Jr.,  
Dennis L. Dechert and Kenneth K.  
Okel, by Dennis L. Dechert and  
Kenneth K. Okel, Attorneys at  
Law, for defendant.

O P I N I O N

The complaint of Jean T. Williams is brief and, omitting nonessential parts, reads:

"1. For two months the phone would ring one time and stop. I have a telephone bill proving wire tapping and a statement of the party making the call. Other times our voices would be cut, some times we would hear noises on the phone.

"Wherefore, complainant requests an order to have them stop tapping my phone and action taken against them."

The defendant filed a motion to dismiss the complaint for failure to state a cause of action, a motion to strike paragraph 1 thereof, a general denial, and an affirmative defense that the complaint fails to state a cause of action.

A public hearing was held before Examiner Rogers in Los Angeles on November 12, 1973, and the matter was submitted.

Background

The complainant testified that she had had defendant's telephone service for 20 years before she moved to an apartment at Beverly Glen and Wilshire Boulevard; that she then had telephone service from The Pacific Telephone and Telegraph Company for about four and one-half years; and that she moved to her present address, 10551 Wilshire Boulevard, Apartment 14, on or about September 1, 1972 and received service from General Telephone. On December 23, 1963 she was in an automobile accident and was rather seriously injured. In her own words: "Very seriously and I am ruined for the rest of my days and that is why I went to the District Attorney and I wanted to give them my records. I wanted them to see my records so they would know what I was telling them. The truth about --- what these people were doing to me and that I was seriously injured and our trial ended in a hung jury, mistrial, and it has never been settled." (Reporter's Transcript, page 44.)

The complainant further testified that prior to December 23, 1963 she had had no problems with either telephone company.

Resume of Complainant's Evidence

Complainant moved to her present address on September 1, 1972. Her apartment is in a multiunit building. When her telephone was installed, the installer took too long because he could not find the right cable pairs. When the phone was installed, the company gave her a two-party line because it had a double ring. She told the installer she was paying for a one-party line. The phone worked for two days and then she could not call out. Complainant suspects that the company was installing a two-party line to listen in on her conversations. In February 1973, complainant's niece called from Pennsylvania and the call was misdirected to a Spanish lady (477-8773; complainant's number is 474-8773). In complainant's own words: "How do I know what connection these people have with my phone? The man who connected my phone was Spanish."

The complainant refers to the defendant's employees as doing things in suspicious manners. She assumes that when the phone was installed or repaired a tap was placed on it; she continuously refers to harassment, e.g., from store employees, the defendant's employees, and an insurance company. On numerous occasions, according to her testimony, the telephone would ring while she was home. Usually she did not answer because, as she stated, these are harassments. She also referred to trouble in talking by phone to her niece in Pennsylvania. "They keep cutting the words in half." Complainant's testimony is replete with references to harassment by the defendant, the Safeway Stores, the Attorney General, the post office, and the police. She is also very suspicious of Spanish people or colored people, and she makes numerous references to tapping or bugging.

After extensive interrogation in an attempt to determine what complainant wanted, the defendant's counsel asked the complainant: ". . . Is this a fair summary of your position? Mrs. Williams, while at present you have no service complaints regarding General, is what you would like General to do is tell you who they are who are bugging your phone?" (Transcript, page 71)

The complainant stated: "That's correct. That is why I feel you people would know who is behind it because I can't see how these people could do this without the help of General."

Complainant said the clipping or cutting of words she objected to has been abated.

Defendant's Division Facilities Manager testified relative to the clipping or cutting of words. The record relative thereto is as follows (Transcript, page 74):

"Q. Mr. Salzman, we have had some testimony here regarding the clipping or cutting of words during long-distance telephone calls and we have had testimony that that problem has been abated.

"Can you explain to us how that would occur?

"A. Yes.

"Many of the long-distance lines, especially cross country and even in, for instance, from here to various locations within California, are on carrier systems. Carrier is a frequency pattern over a pair of wires so you can put a number of conversations on one pair of wires at the same time. They use what is known as in-band signaling in carrier equipment. That means that the signaling for the start or stop of equipment associated with that call is done by means of a frequency within the talk band or talking range band.

"In the case of carrier, 2,600 cycles is the signaling frequency so that if that frequency is reached during a conversation, it can cause the end equipment to recognize that the conversation is over and it can cause momentary clipping of words or a complete cut-off of the conversation.

"Q. Now, is that particular frequency, the 2,600 cycles, within the possible range of the human voice?

"A. Definitely.

"Q. Is it within the probable range of the human voice?

"A. No.

"Q. And, therefore, for all -- in almost every case that sort of frequency is going to work for nearly all conversations?

"A. That is correct.

"Q. But there are some cases where, as I understand your testimony, either the human voice or some background noise could be signaling the equipment to begin cutting off?

"A. That is correct.

"Recross-examination by Mrs. Williams:

"Q. Well, why does it happen on all calls to the East, just to my calls to that person?

"A. I(t) would only be conjecture on my part that possibly you and your niece's voice would be somewhere in the frequency range of 2,600 cycles.

"Q. But, now, that has cleared up and we still speak the same.

"A. That is also possible because of the types of equipment that are used. Also, the AT&T, American Telephone and Telegraph Company, long lines department has recognized this company problem and has, in fact, modified some of their equipment, not all."

Mr. Salzman testified that it is a felony to tap or bug a telephone and that he knows of no equipment used to bug telephones which would make a noise which could be discerned by the telephone users.

Mr. Salzman testified that complainant's service was installed on September 6, 1972; that John Vierra installed the complainant's service; that he was apprised of the complaint herein on June 21, 1973 and asked Vierra what happened; that Vierra told him the cable pair for complainant's service was pushed behind the apartment house terminal box and bunched up with other wiring and took time to locate; and that the terminal wires are always cut when disconnected, standard procedure. The witness said complainant called the next day and said the phone had a double ring and the bell was noisy when she dialed out;

that complainant informed the service man she would be home on September 9 but she was not and the service man could not get into her apartment; and that the dual ringing is normal and is adjusted on the phone itself.

The witness said that on May 10, 1973, he received a copy of a complaint filed by complainant with the Commission that her line was bugged and in calling her niece in Pennsylvania she had been forced to make a person-to-person call. The witness said that both station-to-station and person-to-person calls go over the same lines.

The witness presented four exhibits showing action taken on the complaint. The defendant's employees made an inspection of the outside facilities on May 11, 1973 (Exhibit 1), but could not gain access to complainant's apartment on that date. The witness said some trouble was found in either the central office facilities or the outside station facilities and was corrected. On May 14, 1973, the defendant gained entree to complainant's apartment and could find no trouble (Exhibit 2).

After the complaint was filed, complete checks were again made, the witness said, and no trouble could be found (Exhibits 3 and 4). The witness said checks were made by calling out from the complainant's apartment and by having calls placed into her apartment.

The witness said that in a complete review of this case, including interviews with the various persons who worked on the service and complaints and his own inspection of both documents and instruments, he found nothing to indicate that there is now, or ever has been, any tapping or bugging involved with complainant's service.

#### Findings

1. Complainant is a subscriber for telephone service furnished by defendant under number 474-8773, Apartment 14, 10551 Wilshire Boulevard, Los Angeles, California.

2. The defendant has at no time placed any type of surveillance on complainant's telephone.

3. There is, in fact, no surveillance or bugging of any kind or type on complainant's telephone.

4. The telephone service furnished to complainant by defendant is reasonable and adequate and conforms to all requirements of this Commission.

Conclusion

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 Diego, California, this 5<sup>th</sup>  
day of FEBRUARY, 1974.

Vernon L. Stenger  
President  
William J. Simpson  
Michael J. [illegible]  
[illegible]  
[illegible]  
Commissioners