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ORIGINAL

Decision No. 82795

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SANDRA STILLWATER,

Complainant,

vs.

GENERAL TELEPHONE COMPANY OF
CALIFORNIA, a corporation; THE
PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,

Defendants.

Case No. 9587

(Filed July 17, 1973)

Sandra Stillwater, Attorney at Law,
complainant.

Katherine V. Tooks and Richard
Siegfried, Attorneys at Law, for
The Pacific Telephone and Telegraph
Company; and Moses R. Luna and
Al Hart, Attorneys at Law, for
General Telephone Company of
California, defendants.

O P I N I O N

Public hearings on the complaint were held before Examiner Rogers in Los Angeles on December 10, 1973 and March 1, 1974. On the latter date the matter was submitted. Included in the complaint was a request for damages. This request is denied as we lack jurisdiction to award damages.^{1/} Both defendants filed answers and motions to dismiss for claimed lack of jurisdiction (Section 1702, Cal. P.U.C.). The motions will be denied and we will rule on the merits of the complaint.

^{1/} Schumacher v PT&T Co. (1965) 64 CPUC 295.

Omitting the irrelevant portions, the complaint reads:

"3. Complainant has a foreign exchange telephone number, (213) 835-7504, even though she lives in West Los Angeles, an area serviced by defendant General Telephone. Insofar as any of the problems mentioned herein are attributable to service from defendant the Pacific Telephone and Telegraph Company, complainant joins said company as a defendant. Complainant alleges on information and belief that any or all of the problems mentioned herein are attributable to the service rendered by defendant Pacific Telephone and Telegraph Company.

"4. Before complainant moved to said apartment on October 30, 1972, she requested that defendant General Telephone Company (hereinafter referred to as "defendant General Telephone") arrange for telephone service to be installed in said apartment with the telephone number being (213) 836-7504, complainant's prior telephone number. Defendant General Telephone informed complainant that it would be seven days after her move into the new apartment before her prior number, a foreign exchange, could be transferred to the new apartment. Defendant General Telephone did, however, install a local West Los Angeles telephone number until the foreign exchange was installed.

"5. For a period of seven days, during which complainant had a West Los Angeles telephone number, (213) 477-8673, she could hear other people's conversations and the ringing of a telephone in the background whenever she used her telephone. She complained about this interference to defendant General Telephone.

"6. On or about November 7, 1972, complainant's telephone number was changed to the foreign exchange she had requested, (213) 836-7504. Complainant could still hear third-party conversations and a telephone ringing in the background whenever she used her telephone. After several days of said interference,

complainant spoke with a Mr. Dick McPherson of defendant General Telephone. She registered her complaints to him, and he said that he would attempt to repair her telephone.

"7. After a period of several weeks, the third-party telephone conversations ceased. These were replaced by very loud static which severely impeded complainant's ability to carry on a telephone conversation. Once again complainant spoke with defendant General Telephone about this interference. A repairman came to check the telephone. Complainant has a wall telephone in the kitchen and a desk telephone in the bedroom. Said repairman from defendant General Telephone represented to complainant that he found and solved the static problem. He claimed to have found a loose screw inside of the wall telephone in the kitchen. He claimed to have eliminated the static noises.

"8. For a few days following said repairman's visit, there was little or no static. The faint ringing of the telephone in the background did persist, however, and within a few days very loud static returned.

"9. On January 26, 1973, complainant attempted to make a telephone call at 6:30 a.m., and discovered that her telephone line was dead. Complainant reported her dead telephone line to defendant General Telephone at 7:00 a.m. The operator informed complainant that a repairman would be at her apartment to fix the telephone before 10:00 a.m. that day. No one came at 10:00 a.m., and complainant again telephoned the operator to complain. Complainant did not have telephone service that day until after 2:00 p.m. Complainant spoke with Mr. McPherson regarding her telephone repair problem and the persistent static and noises on her telephone line. At that time he informed complainant that he could not solve the problem and he had referred it to his plant supervisor.

"11. Static and background ringing of telephones persisted on complainant's telephone line during the months of February and March of 1973. On February 5, 1973, a telephone repairman from defendant General Telephone came to complainant's premises to inspect the telephone facilities. The service on complainant's telephone still consisted of static and loud noises following this on-site inspection.

"14. On or about the second week of March, 1973, defendant General Telephone once again attempted to diagnose the problems of complainant's telephone by installing a local telephone number in complainant's second bedroom. Defendant General Telephone requested that complainant use this telephone for a period of two weeks to determine whether static and similar problems existed on this line. Complainant used said telephone and reported to defendant General Telephone that the service was much better on this local telephone number than it was on her permanent foreign exchange telephone number. This local telephone number was disconnected by defendant General Telephone sometime near the end of March of 1973. At that time defendant General Telephone informed complainant that it had attempted to hook up the cables of complainant's foreign exchange telephone number with the cables of the local telephone number which had been installed in complainant's house. Complainant's foreign exchange telephone number still had static and loud noises each time she used the telephone. The very loud and persistent static and the occasional ringing of telephones in the background persist to this day.

"17. Complainant's telephone service has been inadequate ever since she moved into the above-mentioned apartment. Defendant General Telephone has been unable to repair said deficiencies in complainant's telephone service. During this period, complainant has suffered severe emotional distress as a result of the constant

and persistent static and noises on her telephone line. Complainant has been unable to use her telephone in the normal manner.

"18. Several times during said period, up to the present time, complainant dials a telephone number, receives an answer, and is unable to communicate with the person whom she has called. Often she has had to hang up and try to call again to get a line free of static. Several times even a second call does not result in a static-free line.

"19. Several times during said period and up to the present time, complainant has received telephone calls from friends in which the static was so intense that she has had to ask her friend to hang up and call again. Even after the friend has called again, complainant and the person on the other end of the line still have had difficulty hearing one another and have had to place a third telephone call.

"20. As a result of all the foregoing, complainant has suffered severe emotional and mental distress. Complainant has paid each and every one of her telephone bills for said period, but has virtually been without telephone service for said period of time."

Complainant requests that the Commission order the refund of the money she paid General at her apartment and that General install a telephone therein which will provide her with adequate, normal, and complete telephone service.

Complainant's Evidence

The complainant testified that the facts stated in the complaint are true; that she gets static 40 percent of the time on local calls in or out; that there is no trouble with long distance calls, only local calls; that the static is moderate to loud; that she can hear ringing and background noise; and that

sometimes the trouble clears up; for instance, there was no problem on December 19, 1973, but the week before there was heavy static.

The complainant introduced into evidence, without objection, the affidavit of a personal friend (Exhibit 1). Therein the affiant states that he is a friend of the complainant; that he has personal knowledge of the facts set forth herein; that he talks with the complainant by telephone at her home telephone number (213) 836-7504, at least twice daily and he has talked with her at least twice daily since she has had this telephone number; that during approximately 40 percent of the telephone conversations between affiant and complainant there is static on the line; that sometimes the static is so loud that it interferes with his ability to hear what complainant Stillwater is saying; and that during approximately 50 percent of the telephone conversations he can hear the periodic ringing of another telephone in the background.

The hearing on the complaint was recessed to March 1, 1974 at the request of the examiner to see if the problems persisted or could be rectified. At the further hearing the complainant testified the problems persist.

Defendants' Evidence

At the first hearing two witnesses testified for General.

General's area service manager presented a chronological summary of reported trouble at complainant's telephone and the company's action (Exhibit 2). This exhibit shows that complainant's foreign exchange (from Pacific) service with one extension was installed on November 7, 1972; that on November 18 complainant reported a ringing noise in the background; that the service was tested in the central office and found in good working order; that on November 23 and 30, and December 7, 1972, in response to similar complaints, tests were made by General and no trouble found; that

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on December 8, 1972, a complete inspection was made at the customer's premises and no trouble was found; that on December 14, 1972 complainant said the line was still noisy; that on December 15, 1972 a special inspection was completed on General's central office equipment and the equipment was found to be in satisfactory condition; and that work was done on complainant's line at her apartment to repair a faulty ground which could possibly cause trouble. The summary further shows that on December 20, 1972 complainant reported static on her line and a repairman found a short in the connecting block on her premises; that on January 26, 1973 complainant reported no dial tone and static on her line at 7:06 a.m.; that the trouble was cleared sometime after noon; that on February 2, 1973 the complainant stated she was still getting a noisy line; that on February 5, 1973 special inspections of the station facilities and central office equipment were made and a screw was found lying on top of the terminal block and an incorrect piece of equipment was found in the central office equipment and corrected and the trunk cable pair changed; that on February 6, 1973 the complainant stated the line was satisfactory; that on February 8, 1973 the complainant called and reported static and background ringing and later she called and reported her line was dead; that General found Pacific had changed cable pairs; and that the service was restored in a half hour. The affidavit further states that on February 16, 1973 complainant stated service was bad on in and out calls; that a temporary second line was installed at no charge and all associated equipment was checked; that on March 14, 1973, as a result of complainant's complaint to this Commission, a cable test package was requested on complainant's line and a special inspection was made and a check was made with Pacific; that complainant made two.

complaints of "can't call out"; that on March 17, 1973 the complainant's facilities were checked and complainant stated the service was good; that a follow-up call was made on March 23, 1973 and complainant said service improved but trouble on calls to two numbers which were tested and no trouble found; that between April 4 and April 13, 1973 General attempted to contact complainant with no success; that on September 12, 1973 complainant reported her line went dead while she was talking; that it was determined that this was the result of some central office work which was suspended; that on September 17, 1973 complainant's trunk cable pair was balanced and reported completed on September 19; that on September 21, 1973 complainant said she still had noise and static on local calls; and that on October 25, 1973 complainant said she received a call from Beverly Hills and there was so much static she could hardly hear.

The witness stated he could do nothing further to help the complainant's service.

Exhibit 3 is the summary of action taken by General relative to the complainant's service equipment. It is short and is set forth in full:

"Chronological Summary of Transmission
Engineering Testing and Evaluation"

"9-11-73 The Engineering Department was first contacted by West Los Angeles Division personnel, requesting assistance in a complaint of noise and static on customers line.

"9-12-73 Engineering personnel installed a 'pen type' strip chart recorder, in the West Los Angeles Central Office, to measure noise levels on the customers line.

"9-13-73 Engineering personnel contacted the cable testing foreman for past history of this noise complaint. We were informed that recent tests indicated the trunk cable pair between West Los Angeles/Culver City Central Offices, did not meet insulation requirements and was being changed. Also, the R635 voice repeater was being rebalanced as a routine precaution.

"9-17-73 The strip chart recording was reviewed. During this period there was a definite change in the steady state noise level, indicating an improvement. After the improvement there was no evidence of periodic or objectionable noise level changes.

"9-21-73 Engineering personnel attended a meeting in the West Los Angeles Service Office, to review the results of tests and strip chart recordings. Since it was reported that the customer was still unsatisfied with the service, it was decided to continue the strip chart recording and facility testing.

"Testing continued 9-22-73 through 10-29-73. The results were reviewed in the West Los Angeles Service Office 10-30-73.

1. Reviewed circuit design and facility make up with design engineers. Circuit met all design criteria.
2. Inspected and tested associated central office equipment and wiring in the West Los Angeles Central Office. No trouble found.
3. Retested all cable facilities from customers premises to Culver City. All questionable or marginal facilities were cleared or changed.
4. Traced the source of a noise level change (12 midnight-6 a.m.) observed on strip chart recording. Not audible on customers line during termination.
5. Remeasured noise level from terminal at customers premises to Culver City Central Office. Circuit met all noise level standards.
6. Requested assistance from Pacific Telephone Company, to test 'called' parties. Results were inconclusive and will be pursued.

"Since there were no indications of noise or a cause of noise, it was decided to construct a complete new facility from Culver City Central Office to the customers premises.

"Vacant cable pairs were tested on 11-9-73. The design was prepared on 11-13-73 and constructed on 11-16-73. The new circuit was tested on 12-4-73 and was reported as conforming to all test standards and was trouble-free.

"12-6-73 Engineering personnel attended meeting in West Los Angeles Service Office. It was recommended that the new facility be tested continuously for several days, to assure this facility meets all transmission standards, before the customer is transferred."

The engineering witness, an employee of General, who made the tests and the report, stated that the complainant's equipment meets all tests and standards.

Pacific's district manager in the area in which complainant lives testified that complainant's number is a Pacific number extended on a foreign exchange basis to complainant's residence in General's territory; that the number is served from Pacific's Culver City central office; that Pacific is responsible for the portion of the circuit which terminates in the Culver City central office and extends to the point where General picks it up in its territory. He said the design of the service is shown on Exhibit 5. The witness said the service originates at Pacific's central office where dial tone is provided via equipment common to many subscribers; that Pacific also provides the interoffice cable pair which connects the service to General's West Los Angeles office; and from there it goes to complainant's premises.

The witness introduced Exhibit 6 which covers the history of trouble reports received by Pacific on complainant's service and the action taken relative thereto. This report covers the period from November 8, 1972, the date complainant's service was installed, to December 3, 1973. This exhibit lists four reports of trouble. On three of these Pacific could find no trouble. On one complaint of cross talk, November 29, 1972, Pacific changed the cable pair assigned to complainant's line. The witness said that in no instance was Pacific able to find anything wrong with the portion of the circuitry in its territory.

During the period between the two hearing days, with complainant's permission, General installed a tape recording machine operated by complainant in her premises. A summary of the recordings made by complainant and the remarks by General in parentheses are below (Exhibit 7):

Summary of Recorded Data on 836-7504
from January 3, 1974 to January 10, 1974

Footage on
Recorder

001	Both parties hear ringing tone	(Faint - 3 pulses)
002	Other party hears ringing tone	(None detected)
005	Other party hears busy tone	
008	Other party hears busy tone,	
	complainant does not	(None detected)
015	Neither party comment on ringing	(Detected faint
	tone	ringing)
023	Both parties hear noise	(None detected)
036	Complainant no longer hears noise	
047	Complainant thought she heard	
	something	(Nothing detected)
117	Other party heard ticking	(None detected)
121	Complainant hears ringing tone	(Faint - 3 pulses)
147	Neither party remarks about	
	ringing tone	(Only 1 pulse)
194	Both parties detect noise as	
	recorder turned on	(None detected)
199	Complainant detects a little	
	noise	(None detected)
207	Sound resembling motorcycle	
	discernible in background	
207	Immediately following above	
	sound, both parties complain	
	about noise	(None detected)
236	Both parties hear static	(None detected)
271	Complainant hears tone	(None detected)
277	Sound resembling airplane in	
	background	

The witness who presented this exhibit said that this is the same type of equipment and test General makes for other subscribers with similar complaints and he could detect no problems.

General's service manager was recalled. He said that since October 25, 1973 (see Exhibit 2) he only knew of one complaint by complainant. He said on January 18, 1974 complainant told General her service was out. He said the cable had been cut by Pacific Telephone and the service was reinstalled the next morning. The witness said he knew of nothing General can do.

At the conclusion of the hearing complainant stated her service is still defective "40 percent of the time".

Discussion

The record shows that Pacific's involvement in this matter is minimal and it should be dismissed as a defendant. The evidence of faulty local service by General is substantial. Particular attention is directed to the testimony of General's area service manager that a faulty ground was found in complainant's phone on December 15, 1972; that a short was found in a piece of equipment in her premises on December 20, 1972; that complainant reported no dial tone and static on January 26, 1973; that in an inspection of complainant's telephone service on February 5, 1973 an incorrect piece of central office equipment servicing complainant was found and complainant's cable pair was changed; that on February 8, 1973 complainant's line was dead for an hour due to central office work; and that on September 12, 1973 complainant's line was out of service as the result of central office work.

Since it is not certain that complainant's service is now reasonable, General, with cooperation from Pacific as may be required, should continue testing complainant's service for six months. Any test results revealing substandard service should be corrected.

Findings

1. Complainant receives telephone service furnished by General at her apartment at 2680 South Barrington Avenue, Los Angeles, CA 90064 under telephone number 836-7504. This is a foreign exchange service of Pacific. This service was connected on November 7, 1972 and is presently, as of March 1, 1974, the service provided by General to complainant.

2. At times during the period described complainant's service has been completely inoperative. On occasion complainant's telephone service has been subject to static and background noises to the extent that she could not use the service, and on numerous occasions her service has been subject to conversations audible over the telephone.

3. The problems referred to in Finding 2 do not occur on complainant's long distance telephone calls.

4. Complainant's telephone service provided by defendant General is inadequate and fails to meet reasonable standards of telephone service.

5. During the period involved in this proceeding complainant's local telephone bills, including message unit calls, have approximated \$175. This service has been inadequate and complainant should receive credit for a portion of this service.

6. As to 40 percent of the complainant's local telephone calls, complainant's service was defective, and 40 percent of the local telephone bills during the period should be remitted to the complainant. The total amount to be remitted to complainant cannot be accurately determined, but we find that the sum of \$70 is the approximate amount that should be refunded to complainant.

Conclusion

We conclude that General should be ordered to refund the sum of \$70 to complainant, and that General should continue testing of complainant's service until December 31, 1974.

O R D E R

IT IS ORDERED that:

1. General Telephone Company of California shall refund to complainant the sum of \$70.
2. General Telephone Company of California, with the cooperation of The Pacific Telephone and Telegraph Company, shall make sufficient tests to determine the adequacy of the service provided complainant until December 31, 1974. General shall report the results of such testing and any required correctional action to the Commission and complainant within forty days of the effective date of this order, and monthly thereafter.

The Secretary of the Commission is directed to cause personal service of this order to be made upon defendants The Pacific Telephone and Telegraph Company and General Telephone Company of California. The effective date of this order as to each defendant shall be twenty days after completion of service on that defendant.

Dated at San Francisco, California, this 30th day of APRIL, 1974.

William J. Smith President
John J. Smith
John J. Smith
John J. Smith Commissioners