

Decision No. 82972

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARDEN FAIR THEATRES and
ROBERT H. WILSON, dba
AUTOMATION SALES,

Complainants,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 9652
(Filed January 18, 1974;
amended May 3, 1974)

ORDER DENYING INTERIM RELIEF

Complainant Robert H. Wilson, dba Automation Sales, has installed a Dictaphone Model 530 Announcer on the premises of complainant Arden Fair Theatres by connecting it to five telephone lines of the defendant, The Pacific Telephone and Telegraph Company. The installation uses an interface provided by complainant Wilson to protect the system of defendant and its employees from any damage or injury. Complainant Wilson alleges that defendant does not have an interface device that will protect five lines simultaneously. Complainant Wilson alleges that Pacific has threatened to disconnect Arden Fair Theatres' telephone service unless the Dictaphone Model 530 Announcer is disconnected or a Pacific interface device is used. Pacific admits that it has disconnected the service and reinstated it when the Dictaphone was disconnected. Complainants seek an order restraining defendant from interfering with, disconnecting, or removing complainant Arden Fair Theatres' telephone service, and permitting the Dictaphone Model 530 Announcer to be attached to the telephone service without use of an interface provided by Pacific, pending hearing and decision on the lawfulness of defendant's action.

Defendant alleges that its STP coupler delivered for complainants' examination on February 28, 1974 is compatible with complainants' rotary announcer without modification of complainants' equipment and that other interface devices for use with the rotary announcer are available and compatible with a slight modification of complainants' equipment.

Pending a decision in Case No. 9625, Interim Decision No. 82412 dated January 25, 1974 provides for the protection of complainants by requiring that all charges for utility provided interfaces be recorded in separate accounts subject to refund as well as the method for the connection of customer provided terminal equipment to the telecommunication network.

Ordering Paragraph 4 of that decision provides that upon written request of a customer the affected utility must provide necessary protective equipment within thirty days or the customer may temporarily connect his terminal equipment directly to the telephone network until the utility provides protective equipment under its filed tariffs.

To issue the requested cease and desist order would have the effect of negating Interim Decision No. 82412 and return the Commission to hearing each complaint on an individual basis.

Therefore, we are of the opinion that the request for a cease and desist order must be denied without prejudice and that hearing on the compatibility of defendant's interconnection device with complainants' rotary announcer will be held before Examiner Banks without delay.

IT IS ORDERED that:

1. The request for a cease and desist order is denied without prejudice.

2. Provided that there is compliance with Ordering Paragraph 4 of interim Decision No. 82412 defendant shall not interfere with the operation of complainant Arden Fair Theatres' telephone service pending hearing of this complaint.

3. Hearing on the compatibility of defendant's STP coupler with complainants' rotary announcer shall be in San Francisco on June 25, 1974 before Examiner Banks.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 5th
day of JUNE, 1974.

Commissioner THOMAS MORAN

Present but not participating.

~~John~~

William L. Stinson
President
William Stinson
W. Stinson
W. Stinson
Commissioners