

Decision No. 84158

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Kenneth Eisenberger, et al.,

Complainants,

vs.

The Pacific Telephone and
Telegraph Company,

Defendant.

Case No. 9818

ORDER OF DISMISSAL

Complainants allege that defendant's rates and charges for direct-dial toll calls and long-distance calls are unreasonable in that they are based on a three-minute conversation and the call may not last that long, especially if the recipient of the call is an answering device. Complainants ask that the rates be revised to a minute-by-minute basis, with each minute being charged one-third of the present three-minute charge.

Complainants also allege that the charges to install a residential telephone extension or to change a residential telephone number are too high and should be reduced.

A third basis of the complaint is an allegation that defendant's policy with regard to charges for "foreign" telephone directories, which complainants define as "(those for areas outside the subscriber's state)", discriminates between business and residential subscribers.

Defendant submitted a letter indicating defects in all allegations of the complaint.

By letter dated November 26, 1974, complainants were advised by the Secretary that the complaint was deficient

and that unless an amendment was filed the complaint would be dismissed. No amendment has been received.

The complaint does not show the effect of the proposed revision in rates for direct-dial toll and long-distance service. Since the stated purpose of this proposal is to reduce costs to telephone users, there would be a pro tanto reduction in revenue to defendant. Whether there would be a reduction in Pacific's expense, and if so, an estimate of this reduction, is not alleged.

The effect on defendant's total revenue and expense, as well as on rate design to all customers, would be an issue to be determined if this case were to go to hearing. The statements in the complaint, while certainly within the scope of the Commission's jurisdiction to hear and decide, should more properly be studied in a general rate case, as they have been previously. Complainants are hereby advised that they have the right to participate in a rate proceeding of defendants as provided in our Rules of Practice and Procedure.

The discussion regarding the basis of direct-dial toll long-distance calls is also applicable to complainants' allegation regarding installation charges and number changes, and need not be repeated.

Complainants' allegations concerning defendant's policy on distribution of directories is both confusing and incomplete. While complainants define "foreign" directories as those outside the subscriber's state, the thrust of the prayer would seem to go to all directories, both in-state and out. Complainants attack what they assert is a policy of defendant, but give no specific examples of this policy. We do not believe there are sufficient facts alleged to warrant a hearing.

The Commission finds that the complaint, as filed, does not allege specific facts to properly state a cause of action on which the Commission could make a decision. Complainants have declined the opportunity to amend. The complaint must be dismissed. The Commission is of the opinion that the issues

imperfectly raised by the complaint are pertinent to a general rate proceeding and should be brought to our attention in such a proceeding.

IT IS ORDERED that the complaint herein is dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 4th
day of MARCH, 1975.

Vernon L. Sturgeon
President

William J. Agnew Jr.

Ed. D. Hall

Leonard Ross
Commissioners