

ORIGINAL

Decision No. 84312

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CRAIG E. BEAGLE,

Complainant,

vs.

GENERAL TELEPHONE COMPANY
OF CALIFORNIA,

Defendant.

Case No. 9807
(Filed October 9, 1974)

Craig E. Beagle, for himself,
complainant.
Mary L. Sullivan, for A. M. Hart,
H. Ralph Snyder, and Mary L. Sullivan,
Attorneys at Law, for defendant.

O P I N I O N

This is a complaint filed by Craig E. Beagle (Beagle), for allegedly inadequate telephone service furnished by General Telephone Company of California (General), over an extended period of time. His complaints included (1) static and whistling noises, (2) dead phones, (3) fast "beep" busy signals (characterized as fake busy signals), (4) automatic disconnections, (5) crossed lines (another voice entering an existing connection), (6) difficulty in getting defendant's 611 (repair) number, and (7) being placed on hold when connecting with 611, among other less significant complaints. A public hearing was held before Examiner Phillip E. Blecher, and the matter was submitted, on February 28, 1975.

The Evidence

Beagle testified at great length about his various complaints, and presented an itemized list of complaints compiled during the period of August 26, through September 30, 1974 (as well as a few complaints during 1972), which he said were typical of his complaints during the last 10 years. This compilation covered a period of 36 days, on which Beagle itemized a total of 34 specific complaints^{1/} over 9 of the 36 days. All the calls made and complained of eventually went through satisfactorily. Four of the complaints were of fake busy signals. The defendant's testimony showed that this occurred when all circuits were busy, and the call could not then be handled; thus, those fast beep busy signals are a normal service operation. Beagle further admitted that the noises (six complaints) he complained of have lately slacked off considerably. The testimony as to the crossed lines (10 complaints) was inconclusive, as Beagle did not know on which side of the call the interruption came from. Nine of the complaints (relating to three specific calls) related to defendant's 611 number and its responses thereto, though Beagle admitted that he complained of each of the matters in his compilation. All the complaints regarding dead phones and dead lines were resolved by complainant's completing the calls shortly after recording his complaints thereto. Beagle further testified that since July 1974 he has refused to cooperate with the defendant's efforts to remedy his complaints, as he believed General's efforts were useless since they seldom, if ever, found anything wrong. For about 21 months prior to July 1974 (since October 1972), Beagle testified that General responded about 40

^{1/} Many of the complaints were inter-related and several complaints were related to one call in some instances.

times to his complaints and only once found a defect in the equipment, which they immediately repaired, though he admitted that at least one time when General found no problem after testing, it still replaced his equipment completely. Beagle admits that he is an impatient man; that he waits about five seconds after dialing for something to happen on the phone, and considers the service improper if there is no action within the five seconds; believes General should have enough circuits and lines to handle all calls at all times, including peak calling hours, and considers the service inadequate if not 98 percent perfect, while considering the fast 'beep' as an imperfection.

General presented a list of 34 recorded complaints^{2/} from Beagle during calendar 1974. Three special (non-routine) inspections were made. There was one or two minor service problems at their end, which were immediately cleared up, though Beagle never appeared to be satisfied. The defendant aims at a 96-98 percent trouble-free call ratio and its records for the area in question for 1974 (on file with the Commission) show that this goal has been attained, on the average. They attribute most of Beagle's complaints to his impatience in dialing and with the equipment's inherent limitations. General said the fast beep signal is not a defect, and if considered one, their goal of 96 to 98 percent efficiency is absolutely unattainable. At various times, General tested the numbers furnished by Beagle, and found no problems in about 140 test calls.

^{2/} Admittedly not a complete list, and does not include other contacts with Beagle.

Discussion

Under its Tariff Rule No. 26 (Exhibit 10) General's liability, if any, for service problems of the type complained of is limited to a pro rata adjustment for the period for which the deficiencies existed. Beagle maintained at the hearing that the company should be charging a rate commensurate with its service. We agree, and we believe that is the case here. There is no doubt that the company's service is not perfect, but perfect service was not envisioned at the time rates were authorized, nor can it be reasonably expected at any time. If we could ever be imprudent enough to require perfect service, more ratepayers would be complaining, not for the same reason as complainant here, but because the rates necessary to achieve perfect service would be higher than presently, and high enough to cause multitudinous protests. The company's service falls within acceptable reasonable limits, and their responses to complainant over the years have certainly been reasonable. The bulk of complainant's problems appear to us to be self-induced and not due to any unreasonable deficiencies in service. It appears that any unreasonableness existing here lies on the side of the complainant, who has been unrelenting, uncooperative, and unrealistic in his attitude toward General, its policies and its service. We believe a comparatively small degree of tolerance, patience, and awareness on complainant's part would solve most of his alleged problems.

We are of the opinion that Beagle has failed to sustain his burden of proving that the facilities and services of General are inadequate, unreasonable, and deficient, as viewed by any reasonable standard. Thus, the complaint is not entitled to any reparations, adjustments, or other relief requested.

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 Francisco, California, this 8th
day of APRIL, 1975.

Vernon L. Sturges
President
William Symons Jr.
Donald H. ...
Leonard Thon

Commissioners

Commissioner ROBERT BAINOVICH

Present but not participating.