

ORIGINAL

Decision No. 86058

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Asim S. Al Tamimi,
Complainant,

vs.

General Telephone Company of
California, a corporation,

Defendant.

Case No. 10025
(Filed December 18, 1975)

Asim S. Al Tamimi, for himself,
complainant.

A. M. Hart, H. R. Snyder, Jr.,
Kenneth K. Okel, Edward Schoch,
by Kenneth Okel and Edward Schoch,
Attorneys at Law, for defendant.

O P I N I O N

Complainant, Asim S. Al Tamimi, requests an order of this Commission requiring defendant, General Telephone Company of California, to cancel \$105.58 in charges billed him for telephone service in West Los Angeles. That amount is the sum of \$78.28 for optional residential telephone service (exchange service plus two ORTS options) and \$27.30 in multi-message unit calls. He asserts that his telephone service was not working properly for the period from February 10, 1975 to June 25, 1975. He further asserts that most of the multi-message unit calls billed him for that period were probably not made by him.

A duly noticed public hearing was held before Examiner Main at Los Angeles on March 12, 1976. Complainant testified that in early February 1975 his telephone service was cut over at his request to ORTS from foreign exchange service and that from about February 10, 1975 until June 25, 1975 he experienced a variety of service problems. The service deficiencies included, at times, being unable either to make calls or to receive calls, or both, at other times encountering a high noise level on the line, other people on the line, or dialing malfunctions, and consistently being billed for multi-message unit (MMU) calls he does not recall making. He could not specify any interruptions in his exchange telephone service of 24 hours or more.

According to his further testimony, on or about June 25, 1975, after a premise visit by one of defendant's repairmen, his telephone service began working properly. He testified that he was informed by that repairman the trouble had been found but not what it was; the repairman had declined to make that disclosure. Complainant reported many of the above service troubles to defendant.

Defendant's witness is service center supervisor in West Los Angeles. He described ORTS as a service which allows a subscriber to expand his local calling area and make unlimited calls within that area without MMU charges being levied. He further pointed out that ORTS is strictly a computer program and that there is not any equipment associated with that service that is not associated with the regular service. His exhibit and testimony concerning service trouble reports disclosed 19 instances in which trouble on complainant's telephone service was reported and

investigated during the period February 10, 1975 through June 25, 1975, and disclosed also a special inspection which was made during that period. The investigations undertaken by defendant in response to the trouble reports were appropriate and encompassed inspections of the central office equipment processing complainant's calls, pertinent outside plant, and the premise installation. In virtually all instances the equipment investigated was found to be working properly. That was also the outcome of the special investigation which was initiated to expand the scope of the investigation to look for the unusual and inspect thoroughly all aspects of his service.

For interruptions in exchange telephone service of 24 hours or more not due to conduct of the customer, defendant's tariff Rule 26 provides for a credit adjustment. Clearly, the evidence does not support any adjustment for complainant's individual residential service including ORTS.

Defendant's witness also testified concerning the MMU calls disclaimed by complainant. It is undisputed that complainant received credits for all MMU charges on his February, March, and April 1975 bills. According to defendant's witness, those credits were given as a policy adjustment and no investigations were made. However, when complainant subsequently requested additional credit for 604 message units, the total on the May and June bills, defendant undertook an investigation. In such an investigation defendant routinely (1) checks to determine if there are repeated calls to any of the numbers; (2) checks the called numbers to determine if the called parties recognize the customer at the billed number; and/or (3) checks return MMUs from the disclaimed number to the billed number. Based on that investigation (Exhibit 4) and the fact that the service investigations disclosed

no malfunctions which would cause the MMU calls to be billed to complainant for any reason other than the fact that they were dialed from his telephone, defendant's witness was compelled to conclude that the MMU calls in dispute were made from that telephone. He further indicated that if a malfunction were causing problems to the extent indicated by complainant, there would be billing problems with respect to hundreds of other customers. During the period in dispute defendant did not have significant related billing problems with other customers.

Complainant's failure to recollect having made the disclaimed calls is not in these circumstances persuasive. It appears that complainant has been accorded not less than fair treatment by defendant in that nearly one-half the charges for multi-message unit calls during the period February 10, 1975 through June 25, 1975 were credited to complainant's account. It further appears that defendant's position that no further adjustment in charges for complainant's telephone service can be justified is a valid one.

Findings of Fact

1. Complainant's telephone service during the period February 10, 1975 through June 25, 1975 has not been shown to have been sufficiently deficient to warrant any adjustment pursuant to Rule 26 of defendant's tariffs.

2. The multi-message unit calls in dispute have not been shown as having been made from other than complainant's telephone.

The Commission concludes that complainant is not entitled to relief.

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 7th day of JULY, 1976.

William S. ... President
William S. ...
Harold ...
Leonard ...
Robert Bateman Commissioners