

ORIGINAL

Decision No. 86327

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GEORGE S. LOUIE, et al., and PRISONERS
LAW COMMUNE, on behalf of themselves
and all other persons similarly situated,

Complainants,

versus

PACIFIC TELEPHONE AND TELEGRAPH COMPANY,
a subsidiary of American Telephone and
Telegraph Company, a corporation; and
JEROM W. HILL, Chairman and Chief Executive
and GORDON L. HOUGH, President Pacific
Telephone and Telegraph Company,

Defendants.

Case No. 10082
(Filed April 16, 1976)

ORDER OF DISMISSAL

The complainants allege that:

"Pacific Telephone and Telegraph Company, a subsidiary of American Telephone and Telegraph Company, has a State wide policy effecting (sic) all California prisoners (approximately 19,500) of disallowing prisoners to charge phone calls to third parties. The said policy only applies to prisoners confined to the State of California."

"...disallowing calls to be charged to third parties should be terminated immediately...."

The complainants request that the Commission order the defendants to discontinue the practice of not permitting State prison inmates to charge telephone calls to third parties.

In its verified answer, the defendant The Pacific Telephone and Telegraph Company (Pacific) requests that the complaint be dismissed and states:

"Pacific has satisfied the complaint." "...Pacific has informed the Department of Corrections by its letter dated May 11, 1976...that it will no longer restrict prisoners from making calls billed to a third number. Pacific will require that all charges be accepted by the third number before completing the call...."

The defendant's letter to the California Department of Corrections dated May 11, 1976 is attached to its answer as Exhibit B and states in part:

"As a result of this complaint, Pacific Telephone will no longer refuse prisoners who want to bill calls to a third number. At the same time, we will require that all charges be accepted by the third number before we complete a call. If no one is available at the third number to accept the charges, we will ask the prisoner to place the call collect or try again at a later time. Since the charges will be accepted by someone at the third number, you will be no more responsible for the call than if it was placed collect. You may, of course, institute your own administrative procedures that limit the calls in any way you wish."

Exhibit 1, a letter dated May 31, 1976 from the complainants to the Commission with a "stipulation and order providing further relief and dismissing action"; Exhibit 2, a copy of a letter dated June 4, 1976 from the Commission to the complainants; Exhibit 3, a letter dated June 12, 1976 from the complainants to the Commission, with a copy of Exhibit 1 attached thereto; Exhibit 4, the defendant's Schedule Cal.

P.U.C. No. 53-T, 10th Revised Sheet 7; and Exhibit 5, a letter dated June 17, 1976, with attachments, from the complainants to the Commission were received in evidence for the limited purpose of determining whether the issues raised by the complaint and answer have been resolved.

Exhibit 4, the defendant Pacific's tariffs on file with the Commission, in Schedule Cal. P.U.C. No. 53-T, 10th Revised Sheet 7, filed December 31, 1975, effective January 5, 1976, provides in part:

"(1) Charges (including messenger charges) for all classes of telephone calls are billed against or collected from the calling telephone number. However, upon request, toll charges on calls between points in California may be:

"(d) Billed against or collected from a third telephone number or account, except a coin telephone number, anywhere in the United States or Canada where such billing is accepted at the third telephone."

Exhibit 1 provides in part:

"...we will settle for nothing less than the same treatment the general public receives from the defendants...."

Exhibit 2, the letter from the Commission to the complainants dated June 4, 1976, points out that the defendants contend that the complaint has been satisfied, sets forth the provisions of the applicable tariff, and states:

"Therefore, it appears that there is no fact in dispute which will require a hearing and that the defendant has agreed to do what you have requested and in the manner as provided in its tariff.

"If this is true, there is no issue remaining and the case should be disposed of accordingly. If not, please let me know within fifteen days where I am in error, what suggestions or requests you may wish to make and why the complaint should not be dismissed."

A letter dated June 12, 1976 was received from the complainants on June 15, 1976 setting forth that the complainants were not willing to dismiss the action unless the defendants signed a stipulation enclosed therewith, and setting forth in part that "The only remaining issue is equal treatment as the general public."

Exhibit 5, the complainants' letter to the Commission dated June 17, 1976, states in part:

"Please be advised that we are now seeking an order compelling the defendants in this action to verify all third parties charging for every single call made by the general public equal to the discriminatory policy applied to prisoners; and that no calls be completed when the same cannot be verified equal to the discriminatory regulation enforced against prisoners."

There is no such issue raised by and no such relief requested in the complaint so the above statement is not relevant in this case.

As of July 14, 1976, forty days after the letter from the Commission to the complainants dated June 4, 1976, no communications, other than Exhibits 1, 3, and 5, have been received from the complainants.

The relief sought by the complainants George S. Louie and Prisoners Law Communc has been granted and the complaint has been satisfied by the defendant. The satisfaction of the complaint provides the same service for the complainants herein as prison inmates as is provided the general public in California in accordance with the defendant's tariffs on file with the Commission, Pacific has discontinued its practice as requested and no further issue remains. The complaint is moot and should be dismissed.

Findings

1. The complaint alleges that the defendant Pacific will not permit inmates confined in the State prisons in California to charge telephone calls to third parties, and requests that the Commission order the defendant to discontinue such practice and to permit inmates in State prisons to charge phone calls to third parties.

2. The defendant Pacific has discontinued its former practice, will permit inmates in State prisons to charge telephone calls to third parties consistent with its tariff (Exhibit 4), and has advised the director of the Department of Corrections by its letter dated May 11, 1976 that it will do so. The need for the relief sought has been obviated and the complaint should be dismissed.

3. The complainant George S. Louie has been advised by the Commission that it appears that the complaint has been satisfied, that there is no issue remaining and the case should be disposed of accordingly, and that if this is not true and the complaint should not be dismissed, the complainant should let the Commission know within fifteen days of June 4, 1976. The complainant has set forth no valid reason why the complaint should not be dismissed.

4. A public hearing is not necessary.

The Commission concludes that the complaint should be dismissed as the complaint has been satisfied, the relief sought by the complainants has been accorded them by the defendant Pacific, no issue remains, and the complaint is moot.

IT IS ORDERED that the complaint is dismissed.

The effective date of this order shall be twenty days
after the date hereof.

Dated at San Francisco, California,
this 31st day of AUGUST, 1976.

Robert Bateman
Leonard Ross
Commissioners

[Signature]
President
William F. Brown
Vernon L. Stinson
Robert Bateman
Commissioners