

ORIGINAL

Decision 84 07 113

JUL 18 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COPY DATA SYSTEMS, a
California corporation,
NATIONAL DATA CENTER, INC.,
INGRAPH CORPORATION, NATIONWIDE
DATA SYSTEMS, INC. dba
CENTRAL DATA SYSTEMS,

Complainants,

vs.

PACIFIC BELL a.k.a. PACIFIC
TELEPHONE AND TELEGRAPH,

Defendant.

Case 84-04-076
(Filed April 12, 1984)

ORDER PARTIALLY GRANTING DEFENDANT'S
MOTION FOR RELEASE OF EXCESS DEPOSIT

The complainants, hereinafter collectively referred to as Central Data, have deposited \$441,952.07 with this Commission. Defendant Pacific Bell, also known as The Pacific Telephone and Telegraph Company (Pacific), alleges that this amount is far in excess of the amount in dispute and on May 21, 1984 made a motion requesting that the amount in excess of the disputed amount be released to Pacific and that Central Data be required to make future payments directly to Pacific.

In its complaint, Central Data alleges that incoming calls periodically failed to ring through an incoming line and that it has experienced severe difficulty in obtaining replacements for defective and worn-out touch-tone pads. According to Pacific,

the term "incoming calls" eliminates from dispute all moneys due Pacific for outward wide area telephone service (WATS), a substantial portion of the money on deposit with this Commission. Furthermore, according to Pacific, correspondence from Central Data establishes that the reference to "incoming calls" actually refers only to incoming WATS line calls. Also, no reports of problems with touch-tone pads have been received in 1984, so no deposit amounts should be retained for this portion of the complaint.

Pacific alleges that the disputed amounts for incoming WATS lines total \$14,128.71 as detailed in its answer to the complaint. Consequently Pacific requests that only \$14,128.71 be retained and the balance be forwarded to it. By letter dated June 11, 1984, Pacific informed us that Central Data will not oppose the motion.

The \$441,952.07 has been deposited in an account that bears interest provided the balance is at least \$20,000. Interest ceases if the balance decreases below this amount. Consequently the order will provide that \$421,952.07 plus accrued interest be forwarded Pacific.

IT IS ORDERED that:

1. \$421,952.07 deposited with this Commission by complainants in C.84-04-076, plus accrued interest on that amount shall be disbursed to Pacific Bell (defendant).

2. This matter remains open for further hearing.

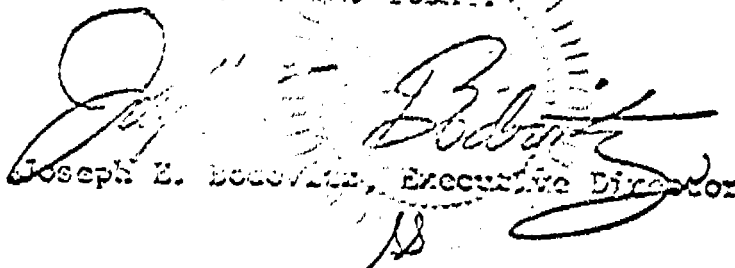
This order is effective today.

Dated JUL 18 1984, San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY:


Joseph E. Bosovick, Executive Director