

Decision 87 12 003 DEC '9 1987.

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Anthony F. Green,

Complainant,

vs.

Pacific Bell,

Defendant.

(ECP)  
Case 87-06-024  
(Filed June 15, 1987)

Anthony F. Green, for himself, and  
Robert S. Green, for complainant.  
T. E. de Beaubien and Cheryl Clemmensen,  
for Pacific Bell, defendant.

OPINION AND ORDER

This is an Expedited Complaint Procedure under Rule 13.2 of the Rules of Practice and Procedure and Public Utilities Code Section 1702.1. A public hearing was held before Administrative Law Judge Orville I. Wright in Chula Vista on August 25, 1987, and the matter was submitted for decision.

Anthony F. Green (son) seeks to restrain Pacific Bell from disconnecting his telephone service (691-1957) at 20 Orange Avenue, # 3, Chula Vista, which defendant will do unless son pays the delinquent bill for service (427-2148) provided to Robert S. Green (father) at the same premises. The outstanding balance for the previous service is \$308.20 billed to The Green Pure Trust, Robert S. Green. Father continues to reside with son at the same address where both telephone services were rendered.

Schedule Cal. P.U.C. No. A2.1.11, A.2.h.(1) states in part:

"The utility may not discontinue or deny service at a premises where services provided to a prior customer were disconnected for nonpayment, except where it is found that the delinquent customer still resides at that same premises."

The evidence is that father established service with Pacific on October 1, 1984, which service was temporarily disconnected for non-payment on April 6, 1987. On April 9, 1987, father requested that the service be permanently disconnected, the bill remaining unpaid. On April 10, 1987, son initiated new service at the same address as father. Father and son reside on the same premises.

Father states that he placed all his assets into an entity called The Green Pure Trust some years ago in order to insulate himself from creditors when he decided to enter politics. Father and son both claim that Pacific Bell should collect, if at all, from The Green Pure Trust, an entity they now say has no funds, no trustee, and no address. While admitting that each of them used the phone for which payments are in arrears, each strenuously argues that it would be unfair for the Commission to declare them responsible for their phone bill when they had devised The Green Pure Trust to protect themselves from liability for their debts.

It is clear that Pacific Bell is lawfully following its tariffs and that plaintiffs have not carried their burden of proving otherwise.

IT IS ORDERED that the relief requested is denied.

This order is effective today.

Dated DEC 9 - 1987, at San Francisco, California.

STANLEY W. HULETT  
President

DONALD VIAL  
FREDERICK R. DUDA  
C. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

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

  
Victor Wosser, Executive Director