

Decision 88 12 035 DEC 9 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John Edward Wallrichs, Ruth A. )  
 Wallrichs, dba Big John's Mobile )  
 Mechanics, )  
 )  
 Complainants, )  
 )  
 vs. )  
 )  
 Pacific Bell, )  
 )  
 Defendant. )

Mailed

DEC 12 1988

Case 86-04-026  
 (Filed April 14, 1986;  
 amended June 12, 1986  
 and June 20, 1986)

John Edward Wallrichs and Ruth A.  
Wallrichs, for themselves, complainants.  
David P. Discher, Attorney at Law, for  
Pacific Bell, defendant.  
Melvin L. Hodges, for Division of Ratepayer  
Advocates.

OPINION

Complainants John Edward Wallrichs and Ruth A. Wallrichs (Wallrichs), doing business as Big John's Mobile Mechanics, seek an order requiring defendant, Pacific Bell (Pacific), to determine the cause of and correct malfunctioning business telephone number 445-0100 together with related remote call forwarding numbers 444-6880, 280-5490, and 422-0044 (previously connected and disconnected at the time of complaint). A duly noticed hearing was held in San Diego, California, before Administrative Law Judge (ALJ) N. R. Johnson on January 27, 28, and 29, 1987. Testimony was presented on behalf of the Wallrichs by Mrs. Wallrichs. Testimony was presented on behalf of Pacific by six witnesses: James Carlson, a special services center manager; Jeffrey Smith, a special service maintenance supervisor; Gilbert Mendoza, a maintenance engineer; Leslie Palos, an accountant in an accounts inquiry center; Bruce

Atkins, a staff manager in account sales; and Joseph Zuniga, an employee in the ESS portion of the Bell system central offices. In addition, Pacific called Mrs. Wallrichs as an adverse witness. Testimony was presented on behalf of the Commission's Division of Ratepayer Advocates (DRA) by senior utilities engineer, Melvin Hodges. The matter was scheduled for submission after the receipt of concurrent opening briefs due April 10, 1987 and concurrent closing briefs due May 11, 1987. An opening brief was received from defendant, but on May 19, 1987 we received a letter from complainants stating in part:

"For medical reasons and lack of financial resources, Complainants in the above-referenced matter will not be filing briefs or continuing correspondence/communications regarding the case."

Consequently, we will consider the matter submitted as of April 10, 1987, the date of receipt of Pacific's brief.

#### I. Position of Wallrichs

Testimony of Wallrichs was very brief being limited to the presentation of two affidavits: one, outlining the test procedures to be accomplished by Pacific on behalf of the Wallrichs and the other outlining the method used in copying some of Pacific's records. It was understood that the Wallrichs' showing would be accomplished by cross-examination of Pacific's witnesses.

#### II. Position of Pacific and Discussion

Testimony presented by a manager in special services, James Carlson, indicated that:

1. On the average, they handle 2,000 trouble reports a month on the 140,000 customers' services they are responsible for.

2. Wallrichs' service consisted of three remote call forward lines (RCF), one each in San Diego, Chula Vista, and El Cajon, coupled from an ESS switch to a telephone number in the Alpine central office (CO), which is a No. 2 electronic switching system. A call from one of these RCF numbers goes to the foreign exchange (FEX) line over a digital carrier system that is tied between the Alpine and Pine Valley COs. From the Pine Valley CO, it goes to Wallrich's premises.

3. There is a feature on the FEX line that when activated, forwards a call to an answering service in the Santee area.

4. Pacific had run every conceivable test from a special services maintenance center in order to find and correct reported troubles.

In response to cross-examination questions by Wallrichs, this witness stated:

1. The ringing generator is wired into the carrier system bay located in Pine Valley as well as being common to all the other CO equipment located in Pine Valley.

2. The signal that rings the Wallrichs' phone, which is an AC/DC signal, goes over the same pair of wires that is used for conversations on the phone.

This witness' testimony and cross-examination described the physical system serving Wallrichs and is essentially uncontested.

Testimony presented by the San Diego Special Services Maintenance supervisor, Jeffrey Smith, was as follows:

1. Wallrichs filed a total of 62 trouble reports for the period from March 1985 through November 28, 1986. Only two of the 62 trouble reports resulted in Pacific finding and repairing a source of trouble.

- a. No dial tone due to carrier system problem was repaired within a 3 hour period of being reported.

- b. Subscribers attempting to make long distance credit card call were informed they were calling from a coin phone. This was a software problem applicable to the prefix as a whole and it was repaired in less than 5 hours after being reported.

2. This witness dispatched a field supervisor and field technician to Wallrichs' premises on March 13, 1986 for the purpose of reviewing their entire service from the Pine Valley CO to their premises. No trouble was found.

3. For the period August 1, 1985 through July 31, 1986, 36 trouble reports were filed by the 102 Alpine to Pine Valley FEX customers. All problems detected were individual in nature and in most cases troubles failed to resurface at later dates.

4. In calling Wallrichs to report the disposition of trouble reports this witness reached Wallrichs' answering service approximately 50% of the time. Answering service representatives answered with own name because this service was shared by more than one customer.

In response to cross-examination by Wallrichs, this witness testified:

A note was placed in Wallrichs' file indicating that any tester receiving a trouble report should discuss appropriate testing to be done with the duty supervisor so they could provide a history of past testing and determine the proper method of testing the facilities.

This witness' testimony and cross-examination persuade us that service problems encountered by Wallrichs are far less severe than set forth in the complaint by Wallrichs. Two bonafide trouble reports in a twenty month period can be construed as acceptable service in a rural mountain area such as is involved in this complaint.

Testimony presented by one of Pacific's maintenance engineers, Gilbert Mendoza, indicated that:

1. After numerous discussions with Pacific personnel involved in the complaint, this witness devised a call trap test that provided for a machine printout of every call presented to Wallrichs' business phone and permitted the attachment of a brush recorder that would monitor the status of the line. Such an arrangement provided proper monitoring of the system during tests.

2. Extensive test calls were made on April 28, 1986 to the answering service and on May 6, 1986 to Wallrichs' premises. The tests showed the system operated as it was designed and expected to perform.

3. The tests disclosed no instances of ring-no-answer and busied out problems reported by Wallrichs.

4. There have been no problems with the Pine Valley ringing and tone plant in the last two years.

5. The General Order (GO) 133-A report rates for Pine Valley and Alpine COs for the period June 1985 through October 1986 were well below the maximum levels established by GO 133-A.

Wallrichs cross-examined this witness in great detail on the call trap and resulting accuchart graphs. The cross-examination detailed the steps taken by the parties in producing copies for the record and discussion, but did not discredit or disprove the testimony in any respect.

Testimony presented by one of Pacific's Accounts Inquiry Center personnel, Leslie Palos, indicated that:

1. In December 1985, the call volume for the RCF's line was 246 as compared to 262 for November 1985, 431 for January 1986, and 250 for February 1986.

2. The total calls placed through the RCF's line was 202 for August 1985, 363 for April 1986, and 234 for March 1986.

3. Wallrichs placed 1,269 outgoing calls in September 1985, 1,235 outgoing calls in November 1985, 1,185 outgoing calls in December 1985, 1,227 outgoing calls in February 1986, and 1,577 outgoing calls in August 1985 over telephone number 445-0100.

4. The number of outgoing calls would restrict the number of incoming calls Wallrichs could receive.

5. Wallrichs' account was adjusted for test calls made during the investigation.

6. Wallrichs requested that disconnect or change orders for RCFs be placed only via notarized letter and that any orders placed be verified by call to Wallrichs.

7. Wallrichs received the following number of business calls for the period November 1985 through April 1986: November 1985 - 63, December 1985 - 100, January 1986 - 119, February 1986 - 94, March 1986 - 155, and April 1986 - 72.

8. Wallrichs completed a total of 39 jobs in October 1985, 81 in November 1985, 85 in December 1985, and 74 in January 1986.

9. Big John's Mobile Mechanic's Answering Service answered on their behalf: 195 calls in October 1985, 122 calls in November 1985, 139 calls in December 1985, and 176 calls in January 1986.

On cross-examination by Wallrichs, this witness admitted to the possibility that a single customer might call Big John's several times indicating more business calls than the actual number of calling customers.

The above testimony refutes that portion of the Wallrichs' complaint which states that in November 1985, the phone line 445-0100 was ringing 14 hours a day and that by December 3, 1985, the telephone inquiries were reduced to less than one-half of those received three weeks before and the number of incoming calls continued to decline through January 1986.

Testimony presented by one of Pacific's account sales representatives, Bruce Atkins, indicated that:

1. When he first became involved with Wallrichs' business services, they had a FEX line from Alpine to Pine Valley and a RCF line from El Cajon.

2. The Wallrichs knew that their service could only handle two incoming calls at one time.

3. The witness placed approximately 100 calls to the Wallrichs and encountered no problems with the service.

Testimony presented by Mrs. Wallrichs as an adverse witness for Pacific indicated that:

1. It is unlikely that a person in El Cajon would call Alpine for repair service justifying in Wallrichs' mind the installation of an RCF in El Cajon.

2. The Wallrichs have not had any problems with the telephone system.

3. Business calls increased dramatically in November and decreased dramatically in December.

4. Wallrichs hired a professional consultant to test their phone service and he found the call waiting and call forwarding features to be working as designed.

5. A competitor used advertisements very similar to Wallrichs' causing them to lose business.

6. The ad was so successful that the competitor moved to El Cajon and bought a RCF for his Point Loma business.

Testimony presented on behalf of Pacific by one of its electronic switching personnel, Jose Zuniga indicated that:

1. Wallrichs' main concern about the telephone service was that the Pine Valley office was not ringing calls from the Alpine CO to their premises.

2. Wallrichs' concerns could be addressed by transferring the calls at Alpine and placing a brush recorder in the local cable pair in Pine Valley and matching the calls into Alpine to the brush recorder at Pine Valley.

Cross-examination by Wallrichs revealed the fact that this witness was unfamiliar with step-by-step offices such as Pine Valley.

Testimony presented on behalf of DRA by senior utilities engineer Mel Hodges indicated that:

1. DRA first became involved in this matter because of the possibility of Pacific engaging in questionable marketing practices. At a meeting between Wallrichs and Pacific, attended by Hodges, it was ascertained that questionable marketing practices were not an issue in this matter. However, at the meeting, the issue of the quality of service rendered by Pacific in Pine Valley area was raised so DRA agreed to review the matter.

2. In response to a questionnaire question "considering your overall telephone service DURING THE LAST 30 DAYS would you call it?": For the Mountain Empire area, 90 percent of the subscribers responded "good" or "excellent." For the individual area, the good or excellent response was 86 percent, 93 percent for the Alpine CO, and 86 percent for the Campo CO.

3. In response to the question "OVERALL are you satisfied or dissatisfied with the telephone service you are getting from Pacific Bell," 57 percent of subscribers in the Mountain Empire indicated they were satisfied. This breaks down to 55 percent for the Pine Valley CO, 59 percent for the Alpine CO, and 59 percent for the Campo CO.

4. Subscribers in the Alpine CO area believe they are receiving good service.

5. Subscribers in the Pine Valley and Compo COs believe they are receiving adequate service.

6. On June 11, 1986, this witness wrote to Mrs. Wallrichs stating that DRA's review of the matter indicated that on an overall basis, both the Alpine and Pine Valley COs were providing an acceptable grade of service, and that the calls placed to all RCF numbers and FEX number verified that essentially all features of her service arrangement were functioning properly.

#### Findings of Fact

1. Wallrichs' service consisted of three RCF lines (San Diego, Chula Vista, and El Cajon) coupled from an ESS switch to a telephone number in the Alpine CO. Calls from the RCF's go to the



FEX line over a digital carrier system that is tied between the Alpine CO and the Pine Valley CO which serves the Wallrichs' premises.

2. There is a feature on the FEX line which when activated, forwards calls from Wallrichs' business number to an answering service in Santee.

3. The Pine Valley ring generator that is wired into the carrier system bay is common to all the other CO equipment located in Pine Valley.

4. Wallrichs filed a total of 62 trouble reports for the period from March 1986 through November 28, 1986. Only two of these reports resulted in Pacific finding and repairing a source of trouble.

5. With only two of the 62 trouble reports requiring repair service, it is obvious that the service problems encountered by Wallrichs are far less than as set forth in the complaint.

6. The answering service operator answered with her name as more than one business used the service and she had no way of knowing which one was calling when she answered the telephone.

7. The monitoring system devised by Pacific, consisting of a call trap and brush recorder, was adequate to accurately monitor system test calls made to evaluate the operation of the system serving the Wallrichs.

8. Extensive test calls made April 28, 1986 on the answering service lines and May 6, 1986 on the Wallrichs' premise lines, showed the system operated as it was designed and expected to perform.

9. Testimony presented at the hearing completely refutes Wallrichs' claim that in November 1985, the business phone was ringing 14 hours a day and that by December 3, 1985, the telephone inquiries were reduced to less than one-half of those received three weeks before and that the number of incoming calls continued to decline through January 1986.

10. A professional consultant hired by Wallrichs found that the call waiting and call forwarding fixtures of the Wallrichs' system were operating properly.

11. Subscribers served by the Alpine CO believe they are receiving good telephone service.

12. Subscribers served by the Pine Valley and Compo COs believe they are receiving adequate service.

Conclusions of Law

1. The relief requested should be denied.
2. The \$174.24 on deposit with this Commission should be forwarded to Pacific.

ORDER

IT IS ORDERED that:

1. The relief requested by John Edward Wallrichs and Ruth A. Wallrichs from Pacific Bell (Pacific) is denied.

2. The amount of \$174.24 on deposit with this Commission shall be disbursed to Pacific on the effective date of this order.

This order becomes effective 30 days from today.

Dated DEC 9 1988, at San Francisco, California.

STANLEY W. HULETT  
President  
DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

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

  
Victor Weisser, Executive Director