ALJ/RAB/vdl

Decision 89 09 024 SEP 7 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Bruce Paranay and Moshe Greenberg, Complainants, vs. Pacific Bell Telephone (U 1001 C), a corporation, Defendant.	Case 89-03-024 (Filed March 20, 1989)

Bruce Paranay, for himself and Moshe Greenberg, complainants.
Nancy C. Woolf, for Pacific Bell, defendant.

O P I N I O N

Complainants seek to be relieved from paying a telephone bill of $11,175.28 and to have defendant amend its tariffs to require written authorization to obtain telephone service. Complainants allege that a third person called defendant and requested telephone service for a business he said was owned by complainants. In fact the business was not owned by complainants but was owned by the person placing the order. Defendant complied and provided telephone service to the business and billed complainants. Complainants refused to pay.

Defendant's original answer denied the allegation of the complaint but prior to hearing defendant agreed that complainants were not liable for the telephone bill. Public hearing was held on complainants' request to amend defendant's tariffs to provide for written authorization to begin service. Defendant's tariff provides that it may require an applicant for service to sign an application; but does not require it to do so. (Schedule Cal. P.U.C. No. A2.1.3, 1st Revised Sheet 39.)

At the hearing the presiding administrative law judge (ALJ) asked complainant Paranay if he had any evidence other than his own single experience. Complainant said he had none. The ALJ ruled that one incident was insufficient evidence to justify a change of defendant's tariff from permissive authorization to mandatory.

We find that the evidence is insufficient to require a change in defendant's tariff and conclude that the relief requested in the complaint should be denied.

O R D E R

IT IS ORDERED that the relief requested in the complaint is denied.

This order is effective today.

Dated September 7, 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

At the hearing the presiding administrative law judge (ALJ) asked complainant Paranay if he had any evidence other than his own single experience. Complainant said he had none. The ALJ ruled that one incident was insufficient evidence to require a change of defendant's tariff from permissive authorization to mandatory.

We find that the evidence is insufficient to require a change in defendant's tariff and conclude that the relief requested in the complaint should be denied.

O R D E R

IT IS ORDERED that the relief requested in the complaint is denied.

This order is effective today.

Dated SEP 7 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners