

ALJ/RAB/jt

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Decision 90-12-063 December 19, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Gordon Minosse,

Complainant,

v.

GTE California, Inc.,

Defendant.

ORIGINAL

(ECP)

Case 90-09-040

(Filed September 19, 1990)

Gordon Minosse, for himself, complainant.
Edward R. Duffy, for GTE California, Inc.,
defendant.

O P I N I O N

This complaint was heard November 9, 1990 before
Administrative Law Judge Barnett.

Complainant testified that for over three years he has
been having a problem with a phantom ring on his telephone, which
he defines as a ring which when answered has no apparent calling
party. The problem became so intolerable that he had to change his
number to an unlisted number, but the phantom ring continued. He
has filed police reports as well as numerous complaints with GTE
California, Inc. GTE has assisted him to determine the cause of
the phantom rings, without success. He believes that he should not
be charged for his telephone calls until he has a telephone that
functions properly.

He said that often when he answers the phone he hears
nothing on the line except, on occasion, a click. It occurs from
17 to 20 times a month and occurs day and night but apparently not
between 10 p.m. and 7 a.m. He had the inside telephone wiring
replaced as well as the outside telephone wiring but still has
problems. He changed his telephone number and did not list it but

the calls continued. The calls go in spurts and he has had no problem for some periods as long as three weeks but then the problem returns. He installed an answering machine and turned off the ring so that he would not hear the phone but the calls continued. He knows of no one who would harass him and he does not think these are misdials where people hang up as in his experience he would expect people to apologize for the misdial.

Complainant testified that he has not had any problem receiving calls from people who desired to call him and he has had no problems sending calls from his telephone. Complainant has not paid his telephone bills since January 1990 awaiting a resolution of this complaint.

Defendant's witnesses testified that they have cooperated with complainant in an attempt to trap and trace the phantom caller and in doing so have conducted inspections of complainant's service in 1988 and 1989 and found no trouble. Defendant neither owns nor has repair or maintenance responsibility for complainant's telephone instrument. The witnesses assert that misdials and inadvertent disconnects by the calling party are beyond the control of defendant. They said that defendant has put a trap on complainant's telephone to trace the signal. The trap identifies the calling number or the calling trunk number. Two traps were placed for a total of 40 days, during which time 42 calls were recorded of which 11 were calls which left no messages. Of those 11 calls defendant identified 4 telephone numbers and 7 trunk lines and all were different. In defendant's opinion there is no harassment involved nor was there any pattern to the calls. Defendant believes that the calls were either misdials or people who do not want to leave a message. The defendant's electronic traps were placed in March and April, and June and July of 1990.

Findings of Fact

1. Complainant has received a number of telephone calls which, when answered, apparently do not have a calling party.

2. These calls were not caused by any defect in defendant's central office or in the wiring leading to complainant's apartment or within his apartment.

3. Complainant has had no problem receiving calls from persons wishing to call him nor has he had problems in making calls from his telephone.

4. Over a 40-day period defendant recorded 11 calls which left no message but found no pattern in those calls.

5. Complainant is not being subjected to harassing telephone calls.

6. Calls to complainant which apparently do not have a calling party are most likely misdials or, when complainant has his telephone answer machine on, are calls by people who do not desire to leave a message.

Conclusion of Law

The Commission concludes that complainant is not entitled to any relief.

ORDER

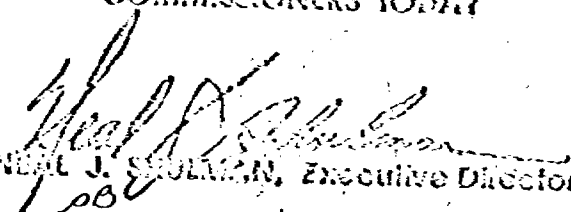
IT IS ORDERED that the relief requested in the complaint is denied.

This order is effective today.

Dated December 19, 1990, 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


NEAL J. SPULMAN, Executive Director