

MAY 8 1992

Decision 92-05-017 May 8, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Bette Ann Troncoso,)
)
 Complainant,)
)
 vs.)
)
 GTE California Incorporated,)
)
 Defendant.)

(ECP)
 Case 92-01-008
 (Filed January 2, 1992)

Bette Ann Troncoso, complainant.
Edward R. Duffy, for GTE California
 Incorporated, defendant.

O P I N I O N

Complainant seeks telephone service from defendant. She alleges that defendant disconnected her service for nonpayment of telephone charges which were not her obligation. Defendant alleges that the telephone charges were complainant's responsibility. Public hearing was held before Administrative Law Judge Barnett on March 11, 1992.

Since June 1990, complainant has resided in an apartment on Baseline Road in San Dimas, California. She testified that between June 1990 and November 1991, she had three roommates, all of whom received telephone service in their own names. Complainant never had telephone service at the apartment prior to November 1991. She was granted service in November 1991 but was disconnected a week later for failure to pay for past due telephone service. Defendant has refused to reconnect until \$1,489 in past due telephone bills is paid.

Defendant's witness testified that between June 1990 and October 1991, \$1,489 in unpaid telephone charges were incurred at the San Dimas apartment by three different customers. Each applied

for service after the prior customer had terminated service. Each terminated owing money to defendant, which was never paid. Defendant took the applications for service over the telephone and has no way of knowing if three individuals applied or if it was complainant using three different identities. The witness said that at complainant's prior address on Lyford Drive in San Dimas, a person using complainant's social security number and driver's license, but giving a different name, obtained telephone service and left owing defendant over \$450 in charges. Defendant showed a pattern of calls to the same telephone numbers from all three telephones at the Baseline Road apartment and from the Lyford Drive apartment.

Complainant denied all knowledge of any person using her identification at the Lyford Drive apartment. She said that she had roommates at the Baseline Road apartment who all moved out, but left no forwarding addresses.

Defendant's tariff Rule 11.N.1. provides that the utility may deny service at premises where a prior customer has been disconnected for nonpayment, if the utility secures evidence that a fraudulent pattern of nonpayment is probable.

In our opinion, defendant had probable cause to believe that a fraudulent pattern of nonpayment of defendant's telephone bills occurred at the Baseline Road apartment. Defendant acted according to its tariff when it disconnected complainant's telephone service. Under defendant's tariff, complainant will be eligible for service on May 23, 1992, provided she has no outstanding telephone bills in her own name.

O R D E R

IT IS ORDERED that the relief requested by complainant is denied.

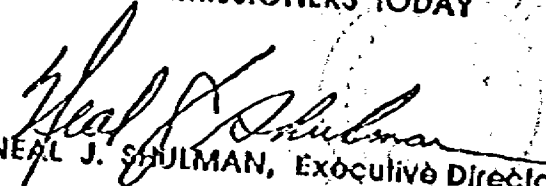
This order is effective today.

Dated May 8, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President

JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director

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