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Decision 82 12 003 DEC 1 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LAWRENCE H. PARKER, dba WEST FRONTIER SUPPLY CO., individually and in the public interest, Complainant, vs. GENERAL TELEPHONE COMPANY OF CALIFORNIA, Defendant.	Case 11004 (Filed July 8, 1981)

FINAL OPINION

In Decision (D.) 82-06-068 dated June 15, 1982, Ordering Paragraph 1 directed defendant and complainant to review complainant's OUTWATS and local telephone charges for the period May 1, 1981 to July 10, 1981 for a comparison with what OUTWATS unmeasured service would have been for that same period. Defendant was ordered to adjust complainant's outstanding delinquent bill as of July 10, 1981 by the difference found by such comparison between measured and unmeasured OUTWATS service. Complainant and defendant were ordered to inform the administrative law judge (ALJ) by letter of the results of the comparison within 10 days along with the resulting adjusted delinquent bill total so that a final order could be issued.

On August 18, 1982, defendant mailed a letter to complainant, with a copy to the ALJ, which set forth the revised amounts of complainant's outstanding telephone bill to reflect the adjustments ordered in D.82-06-068 as well as a breakdown of the computation. The original bill of $47,516.22 was adjusted downward to $34,890.46. Defendant's letter indicated that complainant had expressed no objections to the restated bill and that a final decision should be issued in this matter. Along with this letter defendant submitted a cost comparison work sheet indicating the bases for the adjustment and stating that if defendant did not hear from complainant by August 27, 1982, it would be assumed that complainant agreed with the revised billing so that the Commission could issue a final decision.

In a letter to the ALJ dated August 30, 1982, complainant's attorney indicated that complainant was in serious disagreement with defendant's letter, without any specificity. Since the August 30 letter did not set forth the areas of disagreement with defendant's adjusted bill, the ALJ telephoned the attorneys for complainant and defendant on September 8, 1982, advising complainant's attorney to discuss the matter with his client and to notify the ALJ by September 15, 1982 whether he concurred or disagreed specifically with defendant's computation of the adjusted telephone bill. Complainant's attorney was advised that if no word was heard from him by that time, it would be assumed that defendant's computations were correct and a final order would be issued forthwith. There was no further communication from complainant.

Finding of Fact

The outstanding telephone bill owed by complainant to defendant is $34,890.46 broken down as follows: Account 895-1427 $3,881.83; Account 895-7647 $908.11; Account 143-8572 $29,872.92; and service charge $227.60.

Conclusions of Law

1. Complainant failed to recite any disagreement regarding the adjustment, as ordered in D.82-06-068, and the amount should be deemed correct.

2. Complainant should be obligated to pay to defendant $34,890.46 as the total amount owing on the accounts listed above.

FINAL ORDER

IT IS ORDERED that complainant Lawrence H. Parker, dba West Frontier Supply Co., shall pay to defendant General Telephone Company of California $34,890.46 as the adjusted balance owing on the various accounts complainant has outstanding with defendant.

This order becomes effective 30 days from today.

Dated DEC 1 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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

Joseph E. Bodovitz, Executive Director