

L/SE:sm

ORIGINALDecision 83 06 113 JUN 29 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Kenneth Levin,
Complainant,

vs.

Pacific Telephone and
Telegraph Company,

Defendant.

Case 10928
(Filed November 26, 1980)

ORDER MODIFYING
DECISION (D.) 83-03-038
AND DENYING REHEARING

A petition for rehearing of D.83-03-038 has been filed by Pacific Telephone and Telegraph Company. We have considered all of the allegations raised in the petition and are of the opinion that good cause for granting rehearing has not been shown. However, upon further consideration, it is concluded that the decision should be modified in several respects.

IT IS HEREBY ORDERED that D.83-03-038 is modified as follows:

1. The following findings are added to the decision:

- "6. The duration of the periods when Pacific was not furnishing satisfactory service cannot be determined with precision.
7. Reparation for the diminished value of service in the sum of \$21,872.87, less the credit adjustment previously made, is reasonable."

2. The following discussion is added to page 9 of the decision, to precede the last paragraph on that page:

"The right of recovery in a reparation proceeding is statutory, deriving from Section 734 of the Public Utilities Code. The Commission has repeatedly held that a diminished value of telephone service is compensable under this section, Glynn v. Pacific Tel. Co. (1964) 63 CPUC 270, 273; Portal Travel Service, Inc. v. Pacific Tel. Co. (1977) 62 CPUC 376.

Complainant is entitled to reparations for faulty and defective telephone service throughout the period specified. The service received was below what the average user of such service would expect under normal conditions. The exact duration of the periods when Pacific was not furnishing satisfactory service cannot be determined with precision."

IT IS FURTHER ORDERED that rehearing of D.83-03-038, as modified herein, is denied.

This order is effective today.

Dated JUN 29 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

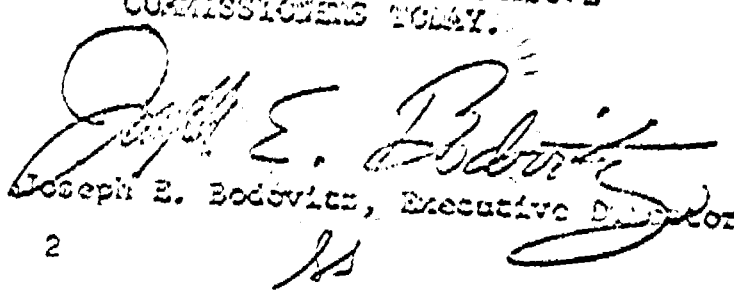
PRISCILLA C. GREN

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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


Joseph E. Bodovitz, Executive Director