

Decision 84 02 035

JAN 5 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Sonitrol Security, Inc.,

Complainant,

vs.

The Pacific Telephone and
Telegraph Company, a
corporation,

Defendant.

Case 10916
(Filed October 10, 1980)

ORDER EXTENDING TIME

Ordering Paragraph 8 of Decision (D.) 82-12-108 dated December 22, 1982 on the above matter required The Pacific Telephone and Telegraph Company (Pacific) to do the following:

- "8. Within 120 days of the effective date of this order, Pacific shall submit for Commission staff review the results of its study on the feasibility of installing line channel service units on Sonitrol customers' facilities that occupy less space than the presently used 150-A units." (Mimeo. page 40.)

Ordering Paragraph 9 of the above decision, as modified by D.83-08-040 dated August 3, 1983, ordered as follows:

"Pacific and Sonitrol shall jointly draft a form letter to be sent to Sonitrol's customers of record, past and present, informing them of this decision and instructing them how to apply for reparations, including what information, if any, they must provide in such an application. Pacific and Sonitrol shall jointly

determine what information should be provided by each of them and by the claimants in order for accurate reparations to be calculated. Pacific shall compute and report to the Commission within 120 days of the effective date of this order, with copy furnished at that time to Sonitrol, the proper amount of reparations due all claimants as described in the text of this decision. Sonitrol shall either accept Pacific's computation or provide comments to the Commission within 15 days of the filing of the report." (Mimeo. page 6.)

The effective date of the order for the computation of the above 120-day period was August 3, 1983, making the due date for the feasibility study on the smaller channel service units (CSU) and the computations of the reparations due all claimants December 1, 1983. On October 28, 1983 Pacific filed a petition for modification of D.82-12-108 and D.83-08-040 requesting an extension of time for filing the above reports on the basis that the information needed for the reports will not be obtained soon enough to prepare the reports on a timely basis. On November 8, 1983 Sonitrol Security, Incorporated (Sonitrol) filed a notice of intent to respond to defendant's petition for modification and on November 18, 1983 filed its opposition to Pacific's petition for modification of D.82-12-108 and D.83-08-040.

With respect to the study of the feasibility of installing CSUs that occupy less space than the present units, Pacific claims that in order to determine the feasibility of such installations it needs to, and is in the process of arranging to, visit Sonitrol dealers' central alarm stations to observe the location and review the installation of the present units. After these visits Pacific will attempt to satisfy the concerns

expressed by the dealers about the units and expects to complete its report by March 1, 1984. Sonitrol notes that testimony by Pacific's witness indicated that the problem is not unique to Sonitrol, has been addressed and resolved for other customers, and can be solved by consolidation. In spite of this, according to Sonitrol, not only has Pacific completely ignored the problem but has started installing an even larger version CSU on all new circuits ordered by Sonitrol, even in those geographic areas where no line-terminating units have been installed in the past. Under these circumstances Sonitrol believes that this Commission should not only deny Pacific's request for additional time but should order Pacific, within 30 days, to use multiple circuit terminating devices on any Sonitrol circuits where Pacific requires terminating devices.

Pacific's request to extend the time for submittal of its feasibility study to March 1, 1984 does not appear unreasonable and will be granted. However, to protect Sonitrol consumers fully from unnecessary encumbrances, we will require Pacific to justify fully the installation of 150-A or larger CSUs on Sonitrol circuits until the final resolution of this matter. Such justification is to be in the form of a monthly written report and shall set forth the necessity for the installation of the units and basis for the determination that multiple circuit terminating devices are inappropriate or impractical.

According to its petition for modification of D.83-08-040, Pacific sent Sonitrol's attorney a draft of a proposed letter to present and former customers of Sonitrol informing them of the decision and possible reparations. According to Pacific, Sonitrol responded with an alternative draft on September 26, 1983 and further drafts were exchanged with agreement on a final letter being reached on October 24, 1983. The letters were to be mailed

about November 3, 1983 with replies requested by December 1, 1983. Pacific expects to be able to complete the process of reviewing the returned postcards attached to the letter and determining if reparations should be paid by March 1, 1984 if standardized information forms are received from Sonitrol and by April 1, 1984 if such forms are not received. Consequently, Pacific requests an extension of time to those dates to effect compliance with the modified Ordering Paragraph 9 of D.82-12-108. Sonitrol alleges that it provided Pacific with the relevant customer names, addresses, and circuit numbers from its dealer files on or about October 13, 1983, well in advance of the December 1, 1983 deadline. Furthermore, according to Sonitrol, Pacific will have had some seven months prior to the order while rehearing was being considered to gather and review its own billing records that are pertinent to the reparations issue. Sonitrol does not argue that a short period of time may be required after the receipt of the postcards is returned during November in which to assimilate the information and check it against its own records and was willing to stipulate to a one-month's extension of time before the pending petition for modification was filed. Sonitrol remains unopposed to a one-month extension of Pacific's time in making its reparations report to this Commission but believes the requested four-month delay is excessive.

It is not unreasonable to expect Pacific to furnish the reparation calculations by March 1, 1984 irrespective of the form of the information supplied by Sonitrol. Consequently, the order that follows will provide for an extension of time to comply with revised Ordering Paragraph 9 of D.82-12-108 to March 1, 1984. According to this ordering

paragraph, Sonitrol shall either accept Pacific's computation or provide comments to the Commission by March 15, 1984.

By granting Pacific's request for a March 1, 1984 extension of time, we believe that Pacific will have more than ample opportunity to furnish the required information. We do not expect to, nor are we inclined to, grant any further requests by Pacific for extensions of time.

IT IS ORDERED that D.82-12-108, as modified by D.83-08-040, is further modified as follows:

1. Ordering Paragraph 8 is modified to read:

By March 1, 1984 Pacific shall submit for Commission staff review the results of its study on the feasibility of installing line channel service units on Sonitrol customers' facilities that occupy less space than the presently used 150-A units.

2. Ordering Paragraph 9 is modified to read:

Pacific and Sonitrol shall jointly draft a form letter to be sent to Sonitrol's customers of record, past and present, informing them of this decision and instructing them how to apply for reparations, including what information, if any, they must provide in such an application. Pacific and Sonitrol shall jointly determine what information should be provided by each of them and by the claimants in order for accurate reparations to be calculated. Pacific shall compute and report to the Commission, by March 1, 1984, with copy furnished at that time to Sonitrol, the proper amount of reparations due all claimants as described in the text of this decision. Sonitrol shall either accept Pacific's computation or provide comments to the Commission within 15 days of the filing of the report.

IT IS FURTHER ORDERED that until final resolution of the CSU matter, Pacific shall file monthly with the Commission staff, with a copy to Sonitrol, a report of all 150-A or larger CSUs installed on Sonitrol lines, together with the necessity for the installation of the units and the basis for the determination that multiple circuit terminating devices are inappropriate or impractical.

This order is effective today.

Dated JAN 5 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

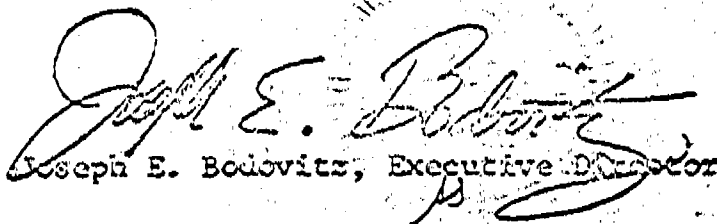
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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


Joseph E. Bodovitz, Executive Director

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