

ORIGINAL

Decision No. 86630

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM L. FINEFROCK,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 10089
(Filed April 23, 1976)

O P I N I O N

On April 23, 1976, complainant William L. Finefrock filed a complaint against defendant The Pacific Telephone and Telegraph Company (Pacific) asking the Commission to order Pacific to (1) restore service to two disconnected services, (2) to issue a "written understanding" that Call Diverters may be used to extend service beyond the originating exchanges' local and EAS calling area, and (3) that charges for calls incoming to Call Diverters and from Call Diverters be no more than calls made between the sending point to the Call Diverter and from the Call Diverter to the point called.

The Commission found sufficient facts in the complaint to indicate a doubt as to whether Pacific was properly applying its tariff provisions in disconnecting the two services under consideration.

On May 11, 1976, Decision No. 85820 granted interim relief on all issues. On September 28, 1976, the defendant filed a motion requesting that interim decision No. 85820 be made permanent. All service and charges to complainant are now being provided pursuant to Pacific's filed tariffs.

In Decision No. 85820 we authorized Pacific to "monitor calls made to and from the aforesaid two telephone services for the purpose of establishing the amount to be rebilled if defendant were to prevail on the merits herein". Since Pacific acknowledges that complainant is not now in violation of any of Pacific's tariffs, this provision should be deleted from Decision No. 85820.

The Commission concludes that the motion of Pacific to make the interim order permanent should be granted as provided in the order which follows.

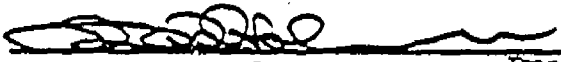
ORDER

IT IS ORDERED that:

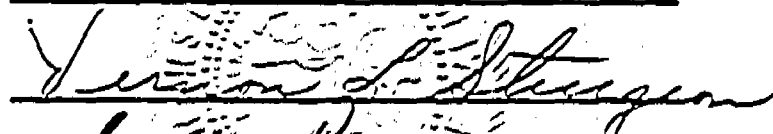
1. Ordering Paragraph 4 of Decision No. 85820 dated May 11, 1976 is rescinded.
2. In all other respects Decision No. 85820 granting interim relief shall be made permanent.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of NOVEMBER, 1976.



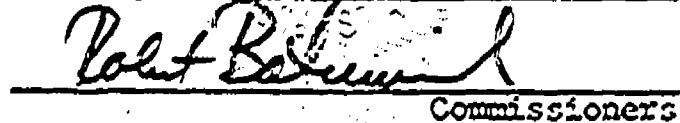
President



Commissioner



Commissioner



Commissioner's

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.