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Decision No. 87667 AUG 2 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HENRY R. TRAVERS,

Complainant,

vs.

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,

Defendant.

Case No. 10081
(Filed April 15, 1976)

Henry R. Travers, for himself, complainant.
Norah S. Freitas, Attorney at Law, for the
Pacific Telephone and Telegraph Company,
defendant.

O P I N I O N

By this complaint, Henry R. Travers, whose residence is located at 20572 Broadway, Sonoma, alleges that he is a customer of defendant; that his telephone area code is 707 and his number is 938-2030; that on numerous occasions persons attempting to reach him by long distance direct dialing are told by a recorded message that his telephone is out of service or that it has been disconnected; that frequently when he attempts to reach a party outside his area by direct dialing, which requires dialing 13 digits, the operator will come on the line and ask the number he is calling from and after waiting and recalling the operator, the call is not completed; that when the operator is told about this problem, her response is that the equipment is not working or that the circuit is overloaded; that on occasions when long distance is dialed direct, a voice will come on the line giving the time; that many times long distance calls that were not his are charged to his

telephone, and when he attempts to straighten this out, it is almost an all-day task because the telephone at defendant's local business office is almost constantly busy; that there have been many times when his telephone has been dead, and when he goes to his neighbor's house to call defendant and report this, he is told that it will be fixed by 5:00 p.m. the next day; and that he has experienced these problems for the past three years. Complainant requests a refund on his past telephone bills and future service at half price.

In its answer, defendant asserted that it is necessary for complainant to dial 13 digits in order to place a directly dialed call outside the local calling area; that subsequent to the end of 1976 when a new Electronic Switching System (ESS) is installed for the 938 prefix which serves complainant, the present access code 112 for long distance direct dialing will be replaced by access code 1, and it will no longer be necessary for an operator to obtain the calling party's telephone number; that defendant's business office records do not indicate any claims by complainant for unauthorized toll call charges during the last six months; that its records do indicate that complainant reported problems with his telephone on 23 occasions between January 13, 1975 and April 22, 1976; that all of these reports were acted on promptly, and trouble was found and corrected on five of these occasions; and that there is no basis for the relief sought. Defendant requests that the complaint be dismissed.

Public hearing was held before Administrative Law Judge Arthur M. Mooney in Sonoma on July 30, 1976. The matter was submitted on the filing of the transcript on August 25, 1976.

Complainant

The following testimony was presented by complainant: He is a free lance teamster. His office is located in his home. The majority of his employers are in the motion picture production business. Most of them have their places of business in the Los Angeles-Hollywood, Monterey, and San Francisco Bay areas, and they do quite a bit of filming in the Sonoma Valley region. Complainant drives equipment for them and also does some stunt driving. He and his wife also own a piece of equipment which they rent to the production companies at times. Substantially all of the service requests he receives are by telephone. Most of these are directly from employers, and some are from the Teamsters' union hall in Novato. Very little of his business is transacted by correspondence. The only time he receives advance calls of three to seven days for his service is for major feature productions that will be in the area for three to four weeks and involve many people. These are rare. The majority of his business is for commercial advertising productions that are in the area for only a short time. In most instances, they call the day before for his service. Incoming calls from outside his service area have been a real problem for him for the past several years. Frequently, when a prospective employer calls him a recording will come on the line stating that his telephone is out of service or has been disconnected. Some who know him will continue to try to get him, and have told him of this difficulty. However, if a new company with whom he has not done business calls and the recording comes on, it is unlikely that it will try again, and he has undoubtedly lost any possibility of future business from it. He gave some specific examples of this problem that occurred during the earlier part of this year. These included calls on three separate occasions from a prospective employer and one from his wife from Monterey, a call from an auto repair company outside his

local dialing area, and several long distance calls from other production companies. Because one of the calls from Monterey was not completed, he lost a \$1,000 job. At his suggestion to defendant, there is now an intercept operator who will come on the line instead of the recorded message. He initially had two telephone lines and advertised in the yellow pages of the San Francisco directory, but because of the difficulties he was experiencing, he discontinued one of the telephones and the directory advertising. He has also experienced numerous difficulties when attempting to dial long distance from his home. These included long waits before the calls are complete, difficulty in reaching the long distance operator, reaching a recording of the correct time rather than the number dialed, and being cut off before a call is completed. There have been instances where his home telephone has been inoperative, and it has been necessary for him to go to a neighbor to call defendant for service. Since complaining to the Commission, his service for outgoing calls has improved. Defendant informed him that the problems he was having could be cured by running an Area Code 415 line to his home. However, this would cost him \$191 a month. The service in his area is substandard and the telephone equipment is antiquated. He is of the opinion that since he is receiving only one-half service, he should pay only one-half the amount charged; that his local dialing area is poorly laid out and should be realigned; and that he should receive as good service as a resident of San Francisco. Another problem he has had is having other people charge long distance calls to his number, and although the telephone company will correct this, it is a time-consuming problem for him to straighten it out. Defendant has informed him that it will be installing new equipment in his area that will improve service, but he is tired of waiting. Many others in his service area are experiencing the same problems.

An insurance broker who lives within one mile of complainant, a realtor located near complainant, an independent agent who uses complainant's home as his office, and complainant's wife all testified that they have experienced the same type of problems referred to by complainant. The independent agent and complainant's wife also described several specific instances when they have attempted to make long distance calls to complainant's home and have had to place the call several times and request operator assistance before it was completed.

In his closing statement, complainant argued that he is paying for top-quality service and receiving only one-half of the service he is entitled to; that he has lost employment because of poor service; that when he canceled his second telephone, he subscribed to an answering service; and that he should be allowed a one-half refund for all basic monthly charges for his one business telephone and a like reduction in future basic charges until defendant's service standards are improved and it furnishes him with top-quality service.

Defendant

Defendant's district manager of installation and repair in the Napa District presented the following evidence: He is responsible for installation and repair activities in the Napa District which includes the Sonoma Exchange which serves complainant. He has reviewed all company office records and documents relative to complainant's service and has discussed the matter with him. Complainant's service has been tested and retested, and central office equipment has been replaced and rearranged to make certain that there were no equipment malfunctions associated with complainant's service. According to company records, which are summarized in Exhibit 1, 29 trouble reports were received from complainant between January 13, 1975 and

June 21, 1976, and in five instances trouble was found and corrected. The date of complainant's call and the amount of time between the call and completion of each of the five repairs were as follows: January 13, 1975 - 23½ hours, May 20, 1975 - 20 minutes, March 30, 1976 - 16 hours, April 1, 1976 - 15 minutes, and April 14, 1976 - 20 hours. The repairs included an open inside wire at complainant's home, a defect in complainant's telephone, and defects in Central Office equipment. Some of the trouble reports involving incoming long distance calls or the inability of people to reach complainant by long distance were referred to the direct distance dialing bureau, but in these instances, no trouble was found with complainant's equipment. There was also an additional trouble call from complainant several days ago that required the replacement of a faulty switch which was promptly remedied. When a person outside the local area cannot reach a number in the area, the cause is either a faulty trunk in the local Central Office or a misdialed number. The Sonoma Central Office is routinely checked regularly to keep it as trouble free as possible. The Sonoma 938 prefix has 2,600 customers and is equipped to handle 3,000. Since there is a theoretical possibility of 10,000 telephone numbers in a prefix, a misdialed number has a substantial chance of reaching a vacant terminal and being routed to a disconnect recording. However, in April 1976, the disconnect recording was replaced with a busy signal, and this signal was replaced in June 1976 with another recording which states that there is a problem in completing the call as dialed and to check the number and dial again or ask for operator assistance. Because of the number of trouble calls it had from complainant, defendant has made a number of additional inspections and tests of its equipment in its Sonoma Central Office and the Napa Toll Office which handles traffic for the Napa and

surrounding exchanges. The results of these observations are set forth in Exhibits 2 through 6 which show that the quality of service defendant is providing for its customers in the Sonoma 938 prefix is good.

The witness testified that defendant is spending 1.3 million dollars for the new ESS which will replace the Sonoma Central Office equipment now serving the 938 prefix; that the new equipment will be operational in six months; and that it is the most modern system available. He stated that the ESS will eliminate the necessity of an operator asking the calling party's number on long distance calls; that long distance calls will automatically be recorded and billed thereby substantially improving billing accuracy; and that calling parties will have two fewer digits to dial on long distance calls. The witness testified that experience with the ESS shows that out-of-service conditions are reduced. He explained that the equipment has the capability of automatically diagnosing its own trouble conditions and, in many instances, does this before such conditions are noticeable to customers. He stated that the system provides sophisticated offerings such as touch tone telephones.

In her closing statement, counsel for defendant argued that complainant has failed to show that defendant is not providing a satisfactory service and urged that the complaint be dismissed. She pointed out that defendant uses mechanical, electrical, and various other types of equipment in providing its service and does not contend that its service is perfect; that it does contend, however, that it does provide a satisfactory service as evidenced by the results of its tests of the 938 prefix; that Paragraph 4 (B) of Rule 14 of defendant's Tariff Schedule Cal. P.U.C. 36-T provides that for interruptions in exchange telephone service of 24 hours or more not due to the conduct of the customer, a pro rata

adjustment in the customer's monthly billing shall be allowed for each 24-hour period the service is interrupted; and that since complainant's service has not been out of order for a period of 24 hours or more, he is entitled to no relief.

Discussion

It is apparent that complainant has had some inconveniences and difficulties with his telephone service. However, we are of the opinion that it has not been established by the evidence before us that complainant is entitled to the relief sought or to any other adjustment in the billings he has received from defendant.

According to Exhibit 1 and the testimony of defendant's witness, complainant made 30 trouble calls to defendant during the past year and a half. Defendant responded to all of these calls and was able to locate equipment malfunctions on six of the calls. While it did take over 23 hours to correct one of the problems, each of the six were remedied in less than 24 hours, and half were corrected in under an hour. As pointed out by defendant's counsel, Paragraph 4(B) of Rule 14 of defendant's Tariff Schedule Cal. P.U.C. 36-T provides for a pro rata refund only when a service interruption is 24 hours or more. This rule has heretofore been found to be reasonable by the Commission. Furthermore, as the evidence shows, defendant has, because of the number of trouble calls it has received from complainant, run a number of tests of its equipment in addition to its regular routine checks of its system to assure itself that complainant and other 938 prefix customers are receiving good service, and from a review of the results of these tests in Exhibits 2 through 6, we agree that the overall service is satisfactory. As to complainant's specific complaints regarding incoming long distance calls, it appears that defendant is taking all reasonable steps to correct this. With the installation of the new ESS equipment in defendant's

Sonoma Central Office, any difficulties that have been experienced by 938 prefix customers should be substantially eliminated.

Although the relief requested will be denied, defendant is placed on notice that it is expected at all times and in all of its service areas to take all reasonable steps to assure that each of its customers receive adequate service and that any complaint from a customer regarding reoccurring service problems will be carefully reviewed by the Commission.

Findings

1. Complainant is a customer of defendant. His residence is at 20572 Broadway, Sonoma, and his telephone number is (707) 938-2030.

2. Complainant's occupation is a teamster. He drives equipment for motion picture production companies when they are filming in the Sonoma Valley area. He also does some stunt driving. Most of the production companies are located in the southern California, Monterey, and San Francisco areas. Substantially all requests for his service are by long distance telephone call.

3. Complainant has had some difficulties with his telephone service in receiving and making long distance calls, and he has also experienced other difficulties with his service.

4. During the past year and a half, defendant has received 30 calls from complainant reporting service trouble. Defendant responded to all calls and found trouble in connection with six of the calls and corrected the problems. The time required to make each of the six repairs ranged from 15 minutes to 23½ hours.

5. Paragraph 4(B) of Rule 14 of defendant's Tariff Schedule Cal. P.U.C. 36-T provides for a pro rata refund in the customer's monthly billing only when a service interruption is 24 hours or more.

6. As pointed out in Finding 4, in each of the six instances defendant found trouble with complainant's service during the last year and a half, service was restored in less than 24 hours, and as stated in defendant's tariff rule referred to in Finding 5, complainant is not entitled to a refund for these interruptions.

7. Defendant, in addition to its regular routine checks, has made a number of additional tests of its equipment serving its 938 prefix customers, including complainant, and the results of these tests in Exhibits 2 through 6 show that this service is reasonable.

8. It has not been shown on this record that defendant is failing to provide a satisfactory service to its prefix 938 customers in Sonoma, including complainant.

9. With the installation of the new ESS equipment in the Sonoma Central Office, service difficulties that may have occurred should be substantially eliminated.

Conclusion

The relief requested should be denied.

O R D E R

IT IS ORDERED that the relief requested is denied.

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

Dated at San Francisco, California, this 2nd day of AUGUST, 1977.

Robert Batimand
President
William G. Jones Jr.
Vernon L. Sturgeon

Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.