

Decision No. 87684 AUG 9 1976

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES EDWARD THOMPSON,
Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Case No. 10307
(Filed April 11, 1977)

James E. Thompson, for himself, complainant.
Lynn B. Bunin, for The Pacific Telephone and
Telegraph Company, defendant.

O P I N I O N

Complainant James Edward Thompson (Thompson) of San Francisco alleges defendant The Pacific Telephone and Telegraph Company (Pacific) wrongfully charged him for repairing one of his two telephones and requests that we refund to him the repair charge billed him of \$10 which he paid to the Commission as a disputed bill payment. He also requests that the Commission order Pacific to replace the present gray telephone cord with a yellow cord to match his yellow telephone. He also requests that we order Pacific to cease the practice of having the introductory recording played when a local call is placed to the information operator and that we order Pacific to require its information operators to speak more courteously. Pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure, all parties consented to the Expedited Complaint Procedure and waived the presence of a court reporter and a record of the hearing and findings of fact and conclusions of law. The matter was heard July 22, 1977 by Administrative Law Judge Pilling.

The evidence shows that on December 23, 1976 in response to a request from Thompson, Pacific repaired Thompson's house phone which had a smashed dial, bent base, and broken switch hooks. Despite Thompson's claim that a pressure cooker had inadvertently fallen on the handset Pacific invoked its Rule 16C of its Tariff 36-T which provides that the customer will be held responsible for loss or damage to any telephone equipment installed "unless such loss or damage is due to causes beyond his control" and billed Thompson \$10 for the repair service. Pacific's Rule 16B provides that "...all instrumentalities and equipment furnished by the Utility in connection with a customer's service shall be carefully used...". The witness for Pacific testified she caused the company to invoke Rule 16C in this instance because Thompson's trouble history indicated a wanton disregard for the safekeeping of Thompson's telephones. That trouble history shows that between and including March 16, 1975 and December 23, 1976 Pacific's repairmen visited Thompson's place on nineteen different occasions to repair or adjust his telephone sets. The repairman's comments as to the trouble found and the work done on several of these occasions state:

"Replace defective dial and broken transmitter cap."

"Replaced smashed set."

"Repaired line ripped off wall."

"Broken dial replaced."

"Changed broken plungers and dial, changed broken receiver and transmitter caps of receiver unit."

"Smashed dial, bent base, broken switch hooks."

Thompson claimed that half of the nineteen occasions were necessary to repair a wall phone, used in his car repair business, which was located in a confined area where there was much human traffic moving large heavy objects and that he had asked to have the wall phone moved but that Pacific told him that he would have to pay for its relocation, which Thompson refused to do.

Pacific claims it does not stock yellow-colored telephone cord. Pacific contends that the Commission authorized the use of the introductory recording when local calls are made to the information operator by Decision No. 85487 and that the use of a neutral color cord is required by Commission regulation.

O R D E R

IT IS ORDERED that:

1. The Pacific Telephone and Telegraph Company shall, within a reasonable time, relocate, without charge to the customer, the green wall telephone set located on the premises of James Edward Thompson at 275 12th Avenue, San Francisco, to a safer location on the wall angling off from the wall on which the telephone is presently located.

2. The \$10 disputed bill payment made by James Edward Thompson in the possession of the Commission which is the subject of the herein case will be paid to The Pacific Telephone and Telegraph Company within 10 days after the effective date of this order.

3. The complaint is in all other respects denied. ✓

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

Dated at San Francisco, California, this 9th day of AUGUST, 1977.

Robert Bateman
President
William Symon
Clair L. D. Smith

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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