

Decision No. 87933 OCT 4 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DENNIS MCDANIEL)
 Complainant,)
 vs.)
 PACIFIC TELEPHONE AND)
 TELEGRAPH COMPANY.)
 Defendant.)

Case No. 10361
(Filed June 28, 1977)

Dennis McDaniel, for himself, complainant.
Stanley J. Moore, Attorney at Law,
 for Pacific Telephone and Telegraph
 Company, defendant.

O P I N I O N

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 September 16, 1977 by Administrative Law Judge Arthur M. Mooney.

Complainant testified that when he moved to his present home in San Francisco, he ordered a telephone and an extension telephone; that he was of the opinion that his service order included a request for a four-prong plug for the extension; that the extension telephone was wired directly to the line, and no plug was installed; that because of this, it was necessary for him to have his answering machine rewired so it could be connected directly to the extension telephone; that defendant contacted him

by telephone and correspondence and informed him that the answering device was causing line trouble which was picked up by a computer and that it was necessary for him to allow it to inspect the connection; that while he was in communication with defendant regarding this, his service was temporarily suspended by defendant; and that a representative of defendant called at his home and installed a jack for the answering device and restored his service. He asserted that he should not be required to pay any charges for the suspension or restoration of service or for the installation of the jack.

Defendant's witness testified that complainant's replies to the requests for information regarding the answering device were not responsive; that it became aware of the answering device when one of its employees called complainant regarding a prior bill for which his check had apparently been lost in the mail and the answering device took the message; that a check of complainant's records showed he had no plug for the answering device; that the suspension and restoration of service charge has been waived; that the charge for the service call to install the plug was \$10, and the one-time charge of \$11 for it is applicable irrespective of when it is installed; and that complainant has paid these two charges.

The question of whether complainant ordered a jack when he placed his initial order with defendant for service will be resolved in favor of complainant.

O R D E R

IT IS ORDERED that defendant shall pay the sum of \$10 to complainant in satisfaction of this complaint.

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

Dated at San Francisco, California, this 1th day of OCTOBER, 1977.

Robert B. Brown
President

Vernon L. Stegerson
Richard D. Howell

Commissioners

Commissioner William Symons, Jr., 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.