

Decision No. 88030 OUI 25 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ronald Barbe Sullivan, dba
 Ashland Hair Care Center,
 Complainant,
 vs
 The Pacific Telephone and
 Telegraph Company,
 Defendant.

Case No. 10247
(Filed January 21, 1977)

Ronald B. Sullivan, for Ashland Hair Care Center,
 complainant.
S. J. Moore, Attorney at Law, for The Pacific
 Telephone and Telegraph Company, defendant.

O P I N I O N

Complainant requests an order directing defendant to return a \$190 payment made as of November 4, 1976 to reconnect service to his two business telephones. Defendant required a \$145 deposit to reestablish credit, and a service reconnection charge of \$45 before reconnecting complainant's service which had been temporarily disconnected on November 1, 1976 for the nonpayment of \$60.32 remaining from August and September 1976 billings.

A duly noticed public hearing was held in this matter before Administrative Law Judge John J. Doran in San Francisco on August 8, 1977.

On August 27, 1976 defendant mailed complainant a notice stating that if the \$182.35 bill dated August 4, 1976 was not paid within five days, telephone service would be interrupted. Subsequently, complainant's outgoing service was disconnected on

September 10. On September 13 complainant paid \$104.80, leaving a balance of \$77.55. In the meantime, a September bill of \$83.27 was issued resulting in a \$160.82 balance. On September 24 complainant's full-service was restored pending a review of his account by defendant. On October 13, \$100.50 was credited to complainant's exchange service account by a debit to his advertising account, leaving a \$60.32 balance in the exchange service account.

On October 19 a new five-day notice was sent for the \$60.32 balance from the September bill. Since payment was not received, service was interrupted on November 1.^{1/} The \$60.32 bill was paid the night of November 1 after the service was interrupted.

Since service had been interrupted, defendant's tariffs provide for the \$190 charge to reconnect service. The \$45 service reconnection charge is 50 percent of the in-place service connection charge (one-half of \$45 for each of two business telephones).^{2/} The \$145 deposit to reestablish credit is equal to twice the average monthly bill for the last three months.^{3/}

After the customer has paid bills for telephone service for 12 consecutive months without having had this service temporarily or permanently discontinued for nonpayment of bills, the utility will refund the deposit with 7 percent interest.^{4/}

1/ The service discontinuance was in accordance with defendant's Tariff Schedule Cal. P.U.C. No. 36-T, 4th Revised Sheet 49, Rule No. 11.A.2.

2/ The reconnection charge was in accordance with defendant's Tariff Schedule Cal. P.U.C. No. 36-T, 2nd Revised Sheet 53-B, Rule No. 11.B.

3/ The deposit was in accordance with defendant's Tariff Schedule Cal. P.U.C. No. 36-T, 4th Revised Sheet 40, Rule No. 7.B.3.

4/ The deposit will be refunded in accordance with defendant's Tariff Schedule Cal. P.U.C. No. 36-T, 4th Revised Sheet 41, Rule No. 7.C.2.

The payment record since November 1976 indicates that none of the bills have been paid before being considered past due; however, service has been continuous. Complainant's deposit of \$145 will be returned with interest in November 1977 assuming his service is not discontinued for nonpayment of bills.

Findings

1. Defendant discontinued telephone service to complainant on November 1, 1976 in accordance with its filed tariffs.

2. Defendant required a \$145 deposit and a \$45 reconnection charge before reestablishing service on November 4, 1976 in accordance with its filed tariffs.

3. Defendant will return the \$145 deposit with interest in November 1977, assuming complainant's service is not disconnected for nonpayment of bills in accordance with defendant's filed tariffs.

Complainant is not entitled to any relief in this proceeding.

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 25th
day of OCTOBER, 1977.

President
William J. ...

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Commissioners

Commissioner Robert Batinevich, being necessarily absent, did not participate in the disposition of this proceeding.