

ORIGINAL

Decision No. 88393 JAN 24 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Laurie B. Pazmino,
 Complainant,
 vs.
 The Pacific Telephone and
 Telegraph Company,
 Defendant.

Case No. 10365
(Filed July 1, 1977)

Laurie B. Pazmino, for herself, complainant.
Stanley J. Moore, Attorney at Law, for The
 Pacific Telephone and Telegraph Company,
 defendant.

O P I N I O N

Complainant alleges that defendant arbitrarily disconnected her residential telephone service on February 28, 1977 and May 19, 1977, and that she was overcharged \$14.60 on her April 28, 1977 bill. Reparations in the form of reimbursement of all deposits and reconnection charges, a review of the overcharge, and an investigation into these matters by the Commission is sought.

In its answer, defendant admits that service was disconnected and alleged facts to show such disconnections were not arbitrary but were due to complainant's failure to pay her telephone bills on time. Two affirmative defenses are asserted: (1) the complaint does not comply with Rule 10 of the Commission's Rules of Practice and Procedure in that insufficient facts are pleaded and (2) the complaint fails to state a cause of action in that it does not set forth anything done or omitted to be done in violation of any provision of law or any rule or order of the Commission. Defendant moved to dismiss the complaint.

A hearing was held on November 2, 1977 in Los Angeles before Administrative Law Judge Bernard A. Peeters, and the matter was submitted on that date.

Discussion

The record shows that complainant's telephone service was disconnected, as alleged, but that such disconnections were made only after written notice was sent to complainant of the impending disconnection if her telephone bill was not paid within the five-day grace period allowed. The record also shows that complainant was not only delinquent in paying her telephone bills, but that she made only partial payments after the expiration of the grace period. Upon inquiry for the reason for partial payments, complainant stated that she did not have enough money to go around and therefore paid only a portion of her telephone bill.

A public utility is required by law to assess, charge, and collect the rates and charges set forth in its tariff. It may not deviate from these provisions without prior authority of this Commission. There is no dispute that Pacific did not follow its tariff provisions in disconnecting and reconnecting service, nor in the charges made therefor, including the \$14.60 alleged overcharge.

Findings of Fact

1. Complainant failed to pay her telephone bills on time and in the amounts billed.
2. The Pacific Telephone and Telegraph Company did not violate any tariff provision in disconnecting complainant's telephone service, or in assessing charges for the reconnections.

Conclusion

Complainant is entitled to no relief.

O R D E R

IT IS ORDERED that complainant is entitled to no relief.

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

Dated at San Francisco, California, this 24th day of JANUARY, 1978.

Robert Batminal
 President
William Lyons Jr.
Vernon L. Sturgeon
Geoffrey D. Howell
Clair L. Schick
 Commissioners