

ORIGINAL

Decision No. 88395 JAN 24 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MATTIE WILLIAMS,
 Complainant,
 vs.
 PACIFIC TELEPHONE AND TELEGRAPH
 COMPANY,
 Defendant.

Case No. 10420
(Filed September 19, 1977)

Mattie Williams, for herself, complainant.
Norman H. Krause, Attorney at Law, for The Pacific
 Telephone and Telegraph Company, defendant.

O P I N I O N

Complainant alleges that she paid \$60 to defendant which she wanted returned because it was never credited to her account.

Defendant's answer states that it never received the \$60; that complainant claims to have deposited the \$60, in cash, in defendant's night depository at its Inglewood office; that it has made a thorough investigation of its records of night depository receipts for September 5, 1977 (the date of the alleged deposit) and for several days thereafter; that investigations were also made at its 1010 Wilshire Boulevard, Los Angeles, and 12629 South Hawthorne, Hawthorne, offices which complainant sometimes used to make payments; and that no record of payment could be found. Defendant alleges that complainant is entitled to no relief and requests that the complaint be dismissed.

After duly published notice, a public hearing under the Commission's Expedited Complaint Procedure was held in Los Angeles on December 15, 1977 before Administrative Law Judge Bernard A. Peeters. The matter was submitted on said date.

Complainant testified on her own behalf stating that she had received a notice on Saturday morning, September 3, 1977, from defendant stating that her telephone service would be disconnected within five days; that she had received two checks on September 1 and 3 totaling over \$300 which she cashed on September 4 and then placed three \$20 bills in a used personal envelope on which she had placed her telephone number and deposited this in defendant's Inglewood office night depository on September 5, 1977 around 5:45 p.m.; that she checked later to see if her deposit had been received; that her telephone service was disconnected; that she talked with several employees of defendant; that she was treated discourteously; and that she paid her bill in full on September 15, 1977. Complainant requests the return of the \$60 allegedly placed in the night depository.

Defendant presented its case through one witness and one exhibit. The witness, a 36-year employee presently responsible for the performance of 25 service representatives and five business office supervisors in the Inglewood office, testified that the \$60 payment in question was to be a partial payment on complainant's August 1977 telephone bill in the amount of \$229.76 with the balance of the bill due September 15, 1977 (Exhibit 1); that service was disconnected on September 7, 1977 pursuant to the notice in Exhibit 1 for lack of receipt of the \$60; that the tariffs of defendant authorize discontinuance of telephone service after due notice, for nonpayment of bills; that no evidence of the alleged \$60 cash payment was found after several checks had been made; that the night depository is opened by one employee in the morning and is witnessed by another employee; that each employee checks the deposits individually; that payment cards are prepared for those deposits which do not have payment cards with them; that these cards are then balanced with the payments received and that the number of payments must agree with the number of envelopes originally taken out of the depository; that if loose cash is found in the depository it is

credited to an overage account awaiting identification; and that no such credit was found for the days involved here. Defendant's witness also testified that complainant's August 1977 bill was paid in full on September 15, 1977.

In response to questioning the complainant admitted that she did not exercise good judgment in placing cash in the night depository, especially in view of the alleged difficulty she had been having with certain personnel of defendant; and that usually she pays her telephone bill in person and gets a receipt for the payment.

We find that complainant did not meet the burden of proving that she made a \$60 cash deposit in defendant's night depository on or about September 5, 1977.

ORDER

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 Bateman
President
William J. ...
Vergine ...
Richard D. ...
Paul D. ...
Commissioners