

ORIGINAL

Decision No. 88534 MAR 7 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PAUL G. FELD,

Complainant,

vs

PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,

Defendant.

Case No. 10459  
(Filed November 4, 1977)

Paul G. Feld, for himself, complainant.  
V. Henderson, for The Pacific Telephone &  
Telegraph Company, defendant.

OPINION AND ORDER

Complainant requested telephone service to his ranch located at 12962 Gordon Hill Road, Valley Center, San Diego County. Upon being informed that it would cost \$839, payable in advance, to extend service to the house at the above location, complainant requested that he be permitted to make a down payment of \$200 and to pay the balance in \$20 monthly installments. Defendant refused this request. Complainant seeks an order directing defendant to provide an alternative to the full payment, in advance, such as the time payment proposed.

Defendant raises four affirmative defenses to the complaint:

(1) The requirement to pay line extension and service connection charges in advance are in compliance with defendant's tariff, Schedule No. 23-T; (2) the complaint is defective in that it fails to state a cause of action; (3) to grant complainant's request would be in violation of its tariff and Section 453 of the Public Utilities Code; and (4)

the complaint essentially challenges the reasonableness of the line extension and service connection rates and charges, but does not contain the requisite 25 signatures pursuant to Section 1702 of the Code. Defendant denies that complainant is entitled to any relief and prays that the complaint be dismissed.

A hearing was held in Los Angeles on January 12, 1978 before Administrative Law Judge Bernard A. Peeters under the Expedited Complaint Procedure.

The Evidence

Complainant owns about 15 acres of very rocky, hilly, and rattlesnake-infested property in northern San Diego County near Valley Center. He is in the process of developing an avocado orchard on the property which may take three to four more years before it will start producing. Complainant works the ranch on weekends alone. Because of the rattlesnake infestation and the potential dangers involved in working the steep hillsides, and to ease the anxieties of complainant's wife, he ordered telephone service to be installed. Aerial electric power service had been installed some years prior. Upon learning that it would cost \$830, payable in advance, to extend service from defendant's existing facilities (\$208.50 for line extension and \$630.50 for service connection) complainant requested that he be permitted to make a \$200 down payment and \$20 per month payments to pay off the balance of \$639. Complainant stated that it was not a question of whether he could not pay the amount in advance, he could, but he felt that the utility should have some alternative method of payment, the same as other businesses do. Also, he pointed out that if he did pay the full amount in advance, he would not get the full tax benefit of it in connection with his ranch operations.

Defendant presented one witness and two exhibits.

Essentially, the evidence shows that defendant has fully complied with its tariff requirements; that the total line extension to the house on the property amounts to 2,394 feet or 1,394 feet beyond the 1,000 free-footage allowance; and that tariff Schedule No. 23-T, Special Condition 1.d provides for advance payment and therefore arrangement for installment payment could not be entered into without violating Section 453 of the Code, which prohibits a utility from granting a preference or advantage to a customer.

It was developed that since the complaint was filed another customer was provided service by defendant which involved using some of the electric company poles used to service complainant's property; that it costs \$207 one time rental charge per pole to attach telephone lines to the electric utility's poles; and that now this charge could be prorated between the two customers, and as a consequence the charge to extend service to complainant's house now would be \$672 (\$167 line extension and a service connection charge of \$505).

We agree with defendant that complainant has no standing to challenge the reasonableness of the advance payment provision of the tariff unless he is joined by 24 other complainants or raises the issue in a general rate proceeding. ✓

Under the circumstances we will not order defendant to accept a partial payment and monthly payments for the balance.

Therefore, IT IS ORDERED that complainant is entitled to no relief.

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

Dated at San Francisco, California, this 7th day of MARCH, 1978.

*Robert B. ...*

President

*William ...*

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Commissioners