

ORIGINAL

Decision No. 88550 MAR 7 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion into the requirements for bilingual services to be provided to non-English speaking persons by telephone utilities in the State of California.

Case No. 9976 (Filed September 23, 1975)

(Appearances are listed in Decision No. 88426)

FINAL OPINION

On January 31, 1978 we issued an interim opinion, Decision No. 88426, which was transmitted to the California Legislature as our report in compliance with Senate Resolution No. 36 of the 1975 legislative session. In that decision we stated that we would issue a second interim opinion which will require an upgrade of the telephone service available to some of the monolingual foreign speaking population of California. This opinion contains our directions for corrective action; a second interim opinion is not necessary.

The record in this proceeding demonstrates the reasonableness in most respects of the respondents' rules and practices with respect to non-English-speaking persons in California.

The proponents of full bilingual operator services have failed to show sufficient need to justify the costs of providing such service.

We are ordering all respondent utilities to participate in Emergency Spanish Language Assistance Bureau (ESLAB) even though many of these utilities have service territories where there is a small population of non-English-speaking users. ESLAB is intended for emergency situations. It is in the public interest that disaster and emergency situations not be aggravated by delay in obtaining vital help.

Accordingly, the relatively modest costs of ESLAB participation borne by smaller respondent telephone utilities, and their ratepayers, is reasonable when balanced with the public interest consideration of reasonably insuring that the state's communication network is responsive to the public in time of crisis.

We recognize that the changes ordered here will duplicate the 911 emergency service when it becomes fully operational. When 911 is implemented we expect regulated telephone utilities to apprise their non-English-speaking customers of its availability. When we are convinced that the non-English-speaking population of California has been made aware of the 911 system, we will consider appropriate modifications to this order.

Findings

FINAL OPINION

1. Pacific Telephone and Telegraph Company (Pacific), General Telephone Company of California (General), and Continental Telephone Company of California (Continental) (three respondents) serve areas where a substantial percentage of the population is non-English-speaking. The other respondent telephone utilities operating in California do not serve areas where a substantial percentage of the population is non-English-speaking.

2. The only non-English-speaking group that constitutes a substantial percentage of the population in areas served by the three respondents consists of Spanish-speaking persons. In addition, in Pacific's San Francisco area, Chinese persons who speak the Cantonese dialect constitute a substantial percentage of the population.

3. The difficulty which some non-English-speaking customers have with utilizing the telephone services offered by the respondents is caused by inability to speak the English language.

4. The respondents' services provided to non-English-speaking customers are, with the exception of the requirements of the ensuing order, efficient, just, and reasonable.

5. It is efficient, just, and reasonable for the respondents to provide assistance to their non-English-speaking customers in utilizing

the services offered to the public generally when this can be done at a reasonable cost that will not impose an unreasonable burden on all ratepayers.

6. Pacific's ESLAB provides a reasonable means of assisting Pacific's operators in completing calls of an emergency nature placed by non-English-speaking, Spanish-speaking customers. Pacific's service objective, that on a companywide basis persons placing emergency calls who speak only Spanish will be connected to a Spanish-speaking ESLAB assistant within 60 seconds, 90 percent of the time, is reasonable.

8. It is reasonable that ESLAB service be monitored as closely as other operator services to assure good service and determine whether Pacific's service objective is attained.

9. It is reasonable that Pacific should continue to informally of its toll and assist operators of its procedures for utilizing ESLAB assistance.

10. The service of all respondent telephone utilities is insufficient to the extent that they do not all provide an ESLAB-type emergency service to non-English-speaking, Spanish-speaking customers.

11. It is reasonable that all respondent telephone utilities use ESLAB on a cooperative basis and share the costs thereof.

12. It is reasonable that all respondent telephone companies give notice in all directories of their ESLAB-type service specifying that it is intended for emergency calls.

13. Pacific's service is insufficient to the extent that it does not provide an emergency ESLAB-type service in San Francisco to non-English-speaking Chinese persons who speak the Cantonese dialect. It is reasonable to require Pacific to provide such a service.

14. It is reasonable for Pacific to continue to implement its program to install separately mounted bilingual instruction cards concerning emergency and dialing information on coin telephones statewide in its directory serving areas where it is determined that five percent or more of the population is non-English-speaking.

15. It is reasonable for telephone companies to provide emergency, dialing, and government agency information in a foreign language where non-English-speaking persons utilizing one foreign language comprise five percent of the serving area or exchange population.

16. It is reasonable to require all telephone utilities in California to furnish annually to the Commission a list of exchanges or directory serving areas in which there is a non-English-speaking language minority comprising five percent or more of the population.

17. It is reasonable to adopt Pacific's estimates contained in Exhibit 17, Section I, Exhibit A, and General's estimates and Continental's estimates in Exhibits 7 and 12, respectively, for purposes of determining those serving areas wherein there are substantial numbers of non-English-speaking persons, where five percent or more of the population is non-English-speaking.

18. The additional utility expense for providing assistance to non-English-speaking persons in utilizing the services offered to the public generally, as ordered here, is just and reasonable.

19. The proponents of full bilingual operator services have failed to demonstrate a need for such services which would justify the additional utility cost of providing such services.

Conclusions Respondents have a duty pursuant to Section 451 of the Public Utilities Code to provide reasonable and necessary telephone service.

2. In providing service respondents must avoid unreasonable discrimination.

3. All respondents should be directed to participate in ESLAB.

4. The improvements required by the ensuing order are just and reasonable.

FINAL ORDER

IT IS ORDERED that:

1. Within one year after the effective date of this order all respondent telephone utilities shall use Emergency Spanish Language Assistance Bureau (ESLAB) on a cooperative basis and share the cost thereof.

2. At least 90 percent of all ESLAB calls shall be answered within sixty seconds. Respondents shall measure ESLAB service and report quarterly to the Commission concerning the percentage of ESLAB calls answered within sixty seconds. For this purpose, respondents may designate one utility to perform this function for all. The first quarterly report shall be filed no later than July 1, 1979.

3. All respondent telephone utilities shall give notice in directories to their ESLAB service, specifying that it is intended to be used for emergencies.

4. Within one year from the effective date of this order Pacific Telephone and Telegraph Company (Pacific) shall establish and provide an ESLAB-type service in the city and county of San Francisco to non-English-speaking Chinese persons who speak the Cantonese dialect. Pacific shall meet the service standard established for such service, and publicize such service, as ordered in Ordering Paragraph 3.

5. All respondent telephone utilities shall furnish annually to the Commission a list of serving areas or exchanges in which there is a non-English-speaking minority comprising five percent or more of the population as determined by current census data.

6. Within one year from the effective date hereof, all respondent telephone utilities shall provide the following in all serving areas where five percent or more of the population is non-English-speaking:

- a. Cards in public telephone booths with emergency and dialing information in the foreign language.
- b. Necessary pages in new directories setting forth emergency telephone numbers and dialing information in the foreign language. As an option to printing directory pages, telephone utilities may prepare directory supplements with such information for distribution with new directories.
- c. Bill inserts in the foreign language shall be sent to all customers in the service area setting forth emergency telephone numbers and dialing information.

- d. A booklet comparable to Pacific's "Your Phone Service" in the foreign language and a separate foreign-language-English cross-heading reference booklet with emergency and government agency information, both to be available to any customers free upon request.
- e. Notice of the availability of these two booklets shall be given in the foreign language by bill insert and in the new directories or supplements thereto in the serving areas.

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.

I abstain
William Symons
I dissent
Vernon L. Sturgeon

Ralph Batsman

 President
~~*[Signature]*~~

Robert D. Glavin
Lois J. David
 Commissioners