

ORIGINAL

Decision No. 88603 MAR 21 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Richard H. Hartman,

Complainant

Pacific Telephone Company,

Defendant.

(Filed December 29, 1977)

Complainant seeks approval of proposed changes to the \$22 tariff charge; requests an order that defendant pay the \$22 tariff charge; requests an order that defendant pay the telephone service at its expense using the telephone number which complainant had prior to disconnection; and order defendant to place his name in the phone directory under the heading "Synthetic Oils-Lubricating."

ORDER OF DISMISSAL

Complainant alleges:

"I bought a phonemate (CPUC 0108) and attached it myself. Shortly thereafter, Pacific Telephone

told me I must pay them \$28.00 for a connectors or disconnect the device and sign a letter stating that it was disconnected.

"I expressed my unwillingness to allow myself to be

ripped off for \$28.00 and disconnected the device, signed the letter, then asked Pacific

Telephone to remove the equipment back in September 1977. I have been without phone service since.

"I wanted to place a large display ad in the yellow pages of the phone directory under the heading 'Synthetic Oil'.^{1/} This was denied, by Pacific Telephone -- I was told it MUST be placed under Oils-Lubricating."

1/ Complainant conducts a part-time synthetic oil business.

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Complainant seeks approval to attach his answering device to defendant's lines without its "phone Jack" and without incurring the \$28 tariff charge; requests an order that defendant reinstall telephone service at its expense using the telephone number which complainant had prior to disconnect; and order defendant to place his yellow page classification ad under the heading "synthetic lubricants".

Defendant's answer alleges that the installation charge of \$28 was imposed in compliance with defendant's Schedule Cal. P.U.C. No. 28-T, First Revised Sheet 29, IV. Multi-element Service Charges.

Defendant has determined that establishment of the heading "Lubricants - Synthetic" is indicated and that it will be in a position to offer complainant that heading in the next directory issue. Therefore, that portion of the complaint involving directory advertising has been satisfied.

It is clear from the complaint that the phone mate was attached in violation of defendant's tariff which requires, among other things, an installation charge of \$28. Complainant disconnected his telephone by his own volition and if he wishes reconnection he must comply with defendant's tariffs. Complainant's request for a classification heading under the title "synthetic lubricants" has been satisfied as defendant has established the heading of "Lubricants - Synthetic".

I saw I -- I was told it must be placed under "Synthetic Oil". This was done by Pacific pages of the phone directory under the heading "Lubricants - Synthetic".

Complainant conducts a part-time synthetic oil business.

On those portions of the complaint which have not been satisfied, complainant has failed to state a cause of action and the complaint should be dismissed.

IT IS ORDERED that the complaint is dismissed.

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

Dated at San Francisco, California, this 21st day of MARCH, 1978.

Robert B. ...
President
William ...
Veron ...
Charles ...
Carie ...
Commissioners