

ORIGINAL

Decision No. 88768 MAY 2-1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FRANK CROW,

Complainant,

v

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

Case No. 10470
(Filed December 7, 1977)

O P I N I O N

The complaint makes the following allegations: Complainant located in the Bay Area during the fall of 1976. On May 10, 1977 he requested telephone service and the listing had him as "Frank Crown", in error. A correction was made on or about July 7, 1977. Shortly thereafter, he started to receive "junk mail" addressed to "Frank Crown". He complained to the telephone company without success. Defendant's representatives indicated that the Crown name had been obtained from defendant's reverse directory, although the Consumer Relations office of the California P.U.C. indicated that the name Crown never was published. He has been informed by P.U.C. representatives that the reverse directory is the only authorized way that the telephone company can release the names of its customers and information from any other source would be unlawfully disseminated. He asks that the telephone company explain why he is receiving this unwanted mail; that they withdraw his name from the senders of the mail; and that they (the telephone company) stop whatever they were doing, in the future.

Defendant's answer was filed on January 10, 1978. It admits that complainant was originally listed incorrectly and that an adjustment was made for the period during which the error existed. Defendant notes that an investigation is being conducted to determine if confidential information has been released by any of the defendant's employees. The answer also requests that the complaint be dismissed, since no violation is charged and no cause of action is stated. A letter from defendant to complainant dated January 18, 1978 is in the formal file. This letter explains how defendant safeguards information from customers and also describes the investigation made on the apparent release of complainant's name and address. The latter's complaint referred to letters from Blue Cross and to recent correspondence from Newsweek magazine. The former advised defendant that Frank Crow is in its regular correspondence file and that the signature with the name looks like Crown. Defendant's representative was advised that Blue Cross interpreted the Crow signature as Crown, since Blue Cross has never received names or addresses from defendant. The latter contacted the Newsweek office in New York and was told that tracing is difficult because of computer listings and information coming from many sources. Defendant requested that complainant provide a copy of the Newsweek letter received by Crow and any other information that could be used in the investigation. Complainant wrote to defendant on January 22, 1978, and attached a copy of the letter from Newsweek.

Defendant has done everything possible to correct its error and determine why complainant's name, as misspelled by defendant, was used by others. The explanation may be inconclusive, but little else can be done. Blue Cross has provided its explanation and it is unlikely that a New York magazine office will exert itself to determine the origin of an address on a single page form letter mailed by an agent. Defendant's last letter to complainant notes there have been no other complaints regarding the receipt of junk mail from defendant's customers. The relief due complainant has already been provided. Scheduling a hearing will merely provide the

opportunity to review at considerable cost information which is already in the formal file.

We therefore find that the relief requested has already been provided and a public hearing will serve no purpose. We conclude that the complaint should be dismissed.

ORDER

IT IS ORDERED that Case No. 10470 is dismissed.

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

Dated at San Francisco, California, this 2nd day of MAY, 1978.

Rolund B. ...
 President

William ...

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 Commissioners