

ORIGINAL

Decision No. 88879 MAY 31 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of The Pacific Telephone and Telegraph Company, a corporation, for telephone service rate increases to cover increased costs in providing telephone service.

Application No. 55492  
(Filed February 13, 1975;  
amended April 19, 1975 and  
January 16, 1976)

Investigation on the Commission's own motion into the rates, tolls, rules, charges, operations, costs, separations, inter-company settlements, contracts, service, and facilities of THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a California corporation; and of all the telephone corporations listed in Appendix A, attached hereto.

Case No. 10001  
(Filed November 12, 1975)

ORDER DENYING PETITION FOR MODIFICATION  
OF DECISION NO. 88232

In the course of this proceeding we considered issues relative to supervisory and administrative monitoring (see, generally, Decision No. 88232 dated December 13, 1977, pp. 4-44). As a result of our investigation on this subject, we ordered (among other things) that Pacific Telephone and Telegraph Company (Pacific) and other telephone companies:

"...which employ supervisory or administrative monitoring without giving notice thereof at the time of such monitoring by one of the methods provided by our previous orders on this subject, shall print, in each directory on the same page on which the index begins, a boxed notice printed in at least ten points boldface type, to read as follows:

NOTICE CONCERNING MONITORING

For training and quality control purposes, a sampling of telephone calls (one percent or less of operator-assisted or directory assistance calls) between telephone company employees and customers are monitored, without notice to the customer or the employee, by supervisory or management personnel. No recording of the call is made. CALLS BETWEEN CUSTOMERS ARE NOT MONITORED FOR THIS PURPOSE, or for any purpose without the use of an automatic tone warning, except when required by law enforcement and national defense agencies, pursuant to law and under legal safeguards. If you have any questions concerning monitoring, please contact your service representative.

Pacific, and other respondents employing supervisory or administrative monitoring shall, prior to April 1, 1978, and at reasonable intervals thereafter, include with its bills a notice briefly describing such monitoring and its purposes." (Emphasis added.)

Pacific requests that we add after the phrase "on the same page on which the index begins" the words "or on the General Business page".

Pacific states that if we allow this option, it will eliminate the necessity for an extra page in 21 of Pacific's directories, at an annual cost of approximately \$48,000. (Information, now appearing on such index pages, concerning an index to local and nearby dialing areas and rates, would have to be moved to another page).

The general business page contains certain information such as the penalty for avoidance of lawful charges, the use of customer-provided equipment, the penalty for making obscene or harassing calls, etc. Pacific makes no objection to placing the item in a box or using at least ten-point boldface type.

Toward Utility Rate Normalization (TURN) objects to the modification, pointing out that we recognized in Decision No. 88232 that many telephone customers are unaware of monitoring practices.

We believe this petition should be denied. There have been no such petitions from other telephone companies. We note that there are 164 alphabetical telephone books in California, of which 67 are Pacific's. If possible, uniformity in placing the notice in various directories should be achieved. Since 21 directories, or less than one third of Pacific's total is involved, we believe it is better for Pacific to incur the additional expense necessary to print the notice on the index page in all cases. Further, the notice will stand out more when it is by itself than when placed with other notices (as is apparent from the exhibits to Pacific's petition).

We find that the relief requested in Pacific's petition for modification should be denied.

IT IS ORDERED that the relief requested is denied.

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

Dated at San Francisco, California, this 31st day of MAY, 1978.

Robert B. Timmich  
President

Virgil L. Sturgeon  
Richard D. Shook

Commissioners

Commissioner William Symons, Jr.

Present but not participating.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.