

es/lc

Decision No. 88937 JUN 13 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WALTER CATCHINGS,

Complainant,

vs.

PACIFIC TELEPHONE
COMPANY,

Defendant.

Case No. 10511
(Filed February 27, 1978)

Walter Catchings, for himself, complainant.
Charles F. Berlenbach and Lois J. Gaston,
for defendant.

Burt Wilson, for Campaign Against Utility
Service Exploitation, interested party.

OPINION AND ORDER

This is an Expedited Complaint Procedure pursuant to Rule 13.2 of the Rules of Practice and Procedure and Section 1702.1 of the Public Utilities Code. A public hearing was held before Administrative Law Judge Wright in Los Angeles on May 2, 1978 and the matter was submitted. Complainant testified on his own behalf. Testimony on behalf of defendant was presented by Lois J. Gaston.

Complainant alleges that he paid his August 1977 telephone bill twice, has not been given credit for the overpayment, but instead has had his service disconnected several times. He has been required to post a \$45 deposit with

defendant in order to have his service restored. He seeks return of his deposit and damages in the amount of \$750.^{1/}

A comparison of complainant's bills and checks with defendant's records shows that: his August bill of \$38.66 was paid in full on September 7, 1977; his service was temporarily disconnected on October 20 due to nonpayment of a \$39.92 portion of his September bill which totaled \$81.92; service was re-established on November 8 following payment of the outstanding balance and current charges in the amount of \$74.02; an advance toll bill in the amount of \$70.61 was rendered on December 12, and service was temporarily disconnected on December 29 for nonpayment of said bill; service was permanently disconnected on January 3, 1978 at which time complainant had an outstanding bill of \$98.16; the January 18 closing bill was \$114.38; and service was reestablished on March 22 upon payment of a \$45 deposit and \$55 toward the January closing bill.

Two customer service representatives of defendant called upon complainant pursuant to an appointment at his home on March 21 and reviewed complainant's account with him in detail.

While complainant believes that he has paid his August bill twice without being given credit for it by defendant, complainant's own bills, notices, checks, and money orders do not support his belief. He believes this is because defendant had taken his record of the second payment from him at the time of the March 21 visit.

^{1/} The prayer for damages was stricken by Administrative Law Judge's Ruling dated March 1, 1978. Also, complainant had taken his claim for damages to Small Claims Court which had found in favor of defendant on January 13, 1978.

Complainant's evidence shows him to be an honest and sincere citizen who, from time to time, inadvertently neglects to pay portions or all of his telephone bill within the time allowed by defendant's filed tariff. There is no evidence that defendant has violated the terms of its tariff.

IT IS ORDERED that complainant is denied the return of his \$45 deposit.

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

Dated at San Francisco, California, this 13th day of JUNE, 1978.

Robert Bateman
President
William J. Quinn
James L. Stinson
Stephen P. Hall
David L. Smith
Commissioners