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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM MARLIN,

Complainant,

vs.

PACIFIC TELEPHONE COMPANY,

Defendant.

(ECP)

Case No. 10523

(Filed March 20, 1978)

O P I N I O N

Complainant alleges that his home telephone service was discontinued without notice on March 16, 1978. It was reinstated on March 23, 1978 after complainant deposited the sum of \$160.11 with this Commission. This sum includes a past due bill of \$84.11, an \$11.00 installation fee, and a \$65.00 deposit which defendant seeks to collect to insure future payments. ✓

Complainant testified that he attempted to call his roommate on March 17, 1978 and was advised by a recording that his service had been temporarily disconnected. He visited defendant's office to pay his bill and was told that service would not be resumed until he paid an installation charge and a deposit to guarantee future payments. He thereupon filed this complaint. He requests that \$76.00 of his deposit with the Commission be returned to him and \$84.11 be forwarded to defendant.

Defendant's evidence reveals that complainant had his service transferred to his present residence on August 31, 1977. The bill for the first month's service totaled \$59.41, which included \$23.45 from his prior bill, and was not paid on the due date (October 5, 1977). A warning that his service would be disconnected in seven days if no payment was received was mailed on October 6, 1977. Complainant paid \$30.00 on October 13, 1977, leaving a balance of \$29.41. Complainant's next bill totaled \$80.00 (including \$29.41 from the prior bill) and was dated October 11, 1977. A \$30.00 payment was received on October 20, 1977, leaving a balance of \$50.02 still owing. A 7-day disconnect

notice was mailed on November 4, 1977, warning that action would be taken on November 11, 1977 if no payment was received. Complainant paid \$30.00 on November 10, leaving a balance of \$20.02. Complainant's November bill totaled \$35.21 (including the \$20.02 unpaid balance from the prior month) and nothing was paid. A disconnect notice was mailed on December 7 warning that service would be discontinued on December 13 unless the account was paid in full. One of defendant's customer representatives telephoned the complainant on December 13 to explain defendant's tariffs and was advised that only \$21.00 could be paid, but full payment would be mailed as soon as certain checks were received. Defendant's representative mailed a letter to complainant on December 13, 1977 to advise that one notice would be mailed after nonpayment allowing 5 additional days, then service would be disconnected without further notice if the amount due was not paid in full. Complainant paid \$21.72 on December 13 as promised, but made no further payments, leaving a balance of \$13.49, plus a December account of \$20.74, for a total of \$34.23. Another disconnect notice was mailed on January 4 with an action date of January 10, 1978. Complainant paid the full amount owed (\$34.23) on January 10. Complainant's January bill of \$16.06 was not paid. On February 11 the bill totaled \$84.11 (which included \$68.05 for February and the January balance of \$16.06). A disconnect notice was mailed about March 9, 1978 with an action date of March 11. No payment was received, and so defendant disconnected complainant's telephone service on March 16, 1978.

Pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure, complainant and defendant consented to the Expedited Complaint Procedure and waived the presence of a court reporter and a record of the hearing and findings of fact and conclusions of law. This matter was heard on June 1, 1978 by Administrative Law Judge Fraser.

O R D E R

IT IS ORDERED that:

1. Complainant is denied any relief.
2. The Executive Director shall release to defendant all funds deposited by complainant with this Commission in conjunction with this complaint.

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

Dated at San Francisco, California, this 11th
day of JULY, 1978.

Roluf Baturinal
President

Stephen P. Howell
Clair L. DeLoach
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.