

ORIGINAL

Decision No. 89333 SEP 6 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

James E. McGoldrick, dba )  
 Alpha Associates Co., )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 Pacific Telephone Company, )  
 )  
 Defendant. )

(ECP)  
 Case No. 10551  
 (Filed April 24, 1978)

James McGoldrick, for himself,  
complainant.  
Mrs. V. Henderson, for defendant.

O P I N I O N

The complainant alleges that he ordered and the defendant agreed to install three beige push-button telephones in his place of business in El Segundo, California. He alleges that the three telephones were installed and although the cords from the transmitter-receiver to the telephones were the same color as the telephones, the cords from the telephones to the telephone connectors on the wall (mounting cords) were grey and therefore not the same color as the beige telephones. He further alleges that when the three telephones were installed, the defendant's installer left an uncovered junction strip from which a maze of wires protruded in his storage room, and which is at knee level next to the closet door, thereby constituting a potential hazard and an unpleasant sight.

The complainant seeks an order to require the defendant to provide three matching, beige-colored mounting cords at no

additional cost; to advise customers in the future that the mounting cords for the telephones do not match the color of the telephones; and that matching colored cords will be provided only at extra cost. He also seeks an order to require the defendant to provide a plastic or sheet metal cover for the junction strip which the defendant installed in the storage room of the complainant.

The defendant alleges that in installing the telephones, the three mounting cords, which the defendant refers to as silver satin in color, were installed in compliance with its tariffs and that it has no obligation to advise the complainant, or potential customers, that the mounting cords are not the same color as the telephones, or that matching cords can be obtained by the payment of an additional charge. The defendant further alleges that when the telephones were installed on the complainant's business premises, a backboard and mounting block were also installed at a location selected by the complainant or by one of his employees. It alleges that the installation meets the defendant's standards, is entirely proper, the particular backboard used does not have a cover, and such installation is always made without a cover.

A hearing was held in Los Angeles on July 13, 1978 before Administrative Law Judge James D. Tante and the case was submitted on that date. The hearing was held pursuant to Section 1702.1 of the Public Utilities Code and Rule 13.2 of the Commission's Rules of Practice and Procedure (Expedited Complaint Procedure).

The complainant testified for himself. The defendant's customer service manager for the Hawthorne-El Segundo area testified for the defendant. Exhibit 1, a diagram of the complainant's place of business, was received in evidence.

The complainant testified, and it was not denied by the defendant, that he ordered three beige telephones which were installed and each telephone had a grey or silver satin mounting cord extending from the telephone to the connector on the wall. He testified, and it was not denied by the defendant, that prior to installation of the telephones he was not told that the mounting cords would not match the color of the telephones, or that he would be able to have such matching cords by paying an additional cost.

He stated that the junction box is approximately 8" x 14", is approximately knee high, and constitutes an unpleasant sight and a potential hazard. He testified that he does not remember whether he was asked or whether he told the defendant's installer to install the junction box in the closet where it was installed.

The defendant's witness testified that he visited the complainant's business location during July of 1977. He stated that the key equipment cabinet is approximately 10" x 18" x 7" deep and is enclosed. He testified that the connection terminals are mounted on a backboard which is approximately 8" x 14" x 1½" deep, at knee height.

He testified that the location of the installation is in a small area between some shelving and the wall to the left as one enters the door of the storage area, and is situated where no one is apt to come in contact with it (see Exhibit 1).

He stated that the defendant has no cover for the backboard, there has never been a cover designed for it, and the installation was standard and in accordance with good and proper installation procedure. He testified that the location of the installation was selected by the complainant or by one of his associates or employees, and the defendant's installer followed the directions.

It is customary, in installations such as this, that no cover be provided for such a junction box. The 9 volt direct current carried through the junction box is not hazardous. The complainant, however, is free to provide whatever covering for the junction box which he deems suitable. Requiring the defendant to carry such a covering in its inventory is unnecessary.

He stated that each mounting cord involved herein is approximately  $5\frac{1}{2}$  feet in length and the additional charge to have it painted to match the telephone instrument is approximately \$13.50.

Advice Letter No. 10028 filed March 15, 1973 and approved by the Commission April 3, 1973 by Resolution No. T-8023, states:

"With this revision, upon depletion of existing color mounting cord inventories, mounting cords will no longer match the color of the telephone. Mounting cords up to and including six conductors will be transparent, and over that 'Silver Satin' in color."

The defendant's Tariff Schedule Cal. P.U.C. No. 32-T, 10th Revised Sheet 13-B, Charges and Rates (3) Custom Cords, provides:

"Mounting, ...cords other than those offered in (1) or (2) above will be provided or replaced when requested by the customer and when practicable at...charges based on actual or estimated costs of labor and material used."

The Commission approved the requirements set forth above in D.87684 dated August 9, 1977 in C.10307.

The defendant is not required to give notice that the mounting cords to match the color of the telephones may be obtained at additional cost. The telephone equipment was installed properly at the complainant's place of business and the defendant is not required to provide the complainant with a cover for the junction strip or backboard. The defendant's installation of the silver satin mounting cords rather than the beige mounting cords to match the telephones was in compliance with its filed tariffs.

The defendant has not violated any law, order, or rule of the Commission and the relief requested by the complainant should be denied.

O R D E R

IT IS ORDERED that the relief requested by the complainant is denied.

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

Dated at San Francisco, California, this 6<sup>th</sup> day of SEPTEMBER, 1978.

Robert Batyianich  
President  
William S. Brown  
James L. [unclear]  
Robert C. [unclear]

Commissioners

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