

ORIGINAL

Decision No. 89395 SEP 19 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GARY B. HOMBS,)
)
 Complainant,)
)
 vs.)
)
 PACIFIC TELEPHONE AND)
 TELEGRAPH COMPANY,)
)
 Defendant.)

Case No. 10528
(Filed March 21, 1978)

Gary B. Hombs, for himself,
 complainant.
Stanley J. Moore, Attorney at
 Law, for defendant.

O P I N I O N

The complainant alleges that the telephone number serving his residence was changed by the defendant in November 1977 from a 993 prefix to a 970 prefix and that, as a result of such change, the complainant was no longer able to call his home in Yorba Linda from his place of employment in El Monte on his employer's 714 area code trunk line at local calling rates as he was formerly able to do prior to the telephone prefix change. He also alleges that calls to his home from his place of employment are now chargeable to his employer at standard long distance rates and that this action constitutes an unlawful and discriminatory rate increase and a violation of the defendant's agreement that the number change of his residence telephone would not cause a change in service. He seeks an order compelling the defendant to restore his residence telephone service to its original status by returning his 993 telephone prefix and

refunding all long distance charges incurred as a result of the prefix change.

The defendant admits that the complainant resides in Yorba Linda and that until November 1977 the complainant and other subscribers residing in Yorba Linda were served from the defendant's central office in Placentia. After that date, due to the continuing growth in Yorba Linda and the defendant's construction of a new electronic central office with some 2,600 other Yorba Linda subscribers, was changed along with their 993 prefix assigned to the Placentia central office while a completely new 970 prefix was assigned to the Yorba Linda central office. The defendant alleges that its authority to make such changes in telephone numbers is contained in Schedule Cal. P.U.C. No. 36-T, Rule 17, 3rd Revised Sheet 63, which reads as follows:

"Changes in Telephone Numbers
"The assignment of a number to a customer's telephone service will be made at the discretion of the Utility. The customer has no proprietary right in the number, and the Utility may make such reasonable changes in telephone number or central office designation as the requirements of the service may demand."
The defendant denies that the change in the complainant's number constitutes an unlawful and discriminatory rate increase or to his employer as a result of the change, since the change in the complainant's number does not affect the rates applicable either to the complainant's telephone service, or to his employer's service. Furthermore, the change in the complainant's telephone number did not affect the rates applicable to the complainant's telephone service.

The defendant denies that the change in the complainant's telephone number constitutes an unlawful and discriminatory rate increase or to his employer as a result of the change, since the change in the complainant's number does not affect the rates applicable either to the complainant's telephone service, or to his employer's service. Furthermore, the change in the complainant's telephone number did not affect the rates applicable to the complainant's telephone service.

CORRECTION

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HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

refunding all long distance charges incurred as a result of the prefix change.

The defendant admits that the complainant resides in Yorba Linda and that until November 1977 the complainant and other subscribers residing in Yorba Linda were served from the defendant's central office in Placentia. After that date, due to the continuing growth in Yorba Linda and the defendant's construction of a new electronic central office in Yorba Linda, the complainant's telephone number, along with some 2,600 other Yorba Linda subscribers, was changed and their 993 prefix assigned to the Placentia central office while a completely new 970 prefix was assigned to the Yorba Linda central office. The defendant alleges that its authority to make such changes in telephone numbers is contained in Schedule Cal. P.U.C. No. 36-T, Rule 17, 3rd Revised Sheet 63, which reads as follows:

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The defendant denies that the change in the complainant's telephone number constitutes an unlawful and discriminatory rate increase and further denies that there was any change in service, either to the complainant or to his employer as a result of the telephone number change, since the change in the complainant's telephone number did not affect the rates applicable either to his service or to his employer's service. Furthermore, the defendant alleges that the telephone number change did not affect the local calling area of the complainant's telephone service. Finally, the defendant alleges that the complaint fails to state

a cause of action under Section 1702 of the Public Utilities Code in that it does not set forth any act or thing done or omitted to be done in violation of any provision of law or of any order or rule of the Commission, and that the complaint should thus be dismissed.

This matter was heard in Los Angeles on July 18, 1978 before Administrative Law Judge William A. Turkish, pursuant to Section 1706 of the Public Utilities Code.

The complainant testified on his own behalf. Ms. Jean Dildane, manager of the defendant's Garden Grove business office, testified in defendant's behalf.

In his testimony, the complainant basically reiterated the allegations contained in his complaint, to wit: that prior to the change of his residence telephone prefix number, he was able to call his residence from his place of employment and such call would be charged on his employer's bill as a local message rate call, but that since the telephone number change, such calls to his home would be charged to his employer's bill as a long distance or toll call. He testified that he was informed by the defendant that if he wished to get back his old prefix number, he would be required to apply for a "foreign prefix service" and pay the mileage charges of \$6.40 per mile for such service. ^{an Additional Monthly Fee} The total cost to the complainant would be \$19.20. It is these facts which form the basis of his allegation that the change of his residence telephone number constitutes a discriminatory rate increase. In other words, if he wants the ability to call his residence from his employer's phone and have it reflected as a local call on his employer's bill, he would have to pay an additional \$19.20 per month, whereas before, he did not have to pay anything extra to place such calls to his residence.

Following the complainant's testimony, the defendant moved to dismiss the complaint for his failure to carry the burden of proof as to any violation of law, rule, or order of this Commission. The motion was taken under submission.

The defendant's witness testified that prior to November 5, 1977 the central office in Placentia served all its subscribers in the surrounding areas, including the customers in the Yorba Linda area. Due to the continuing growth in the Yorba Linda and eastern portions of the Placentia service area, the defendant built a new electronic switching office in Yorba Linda. The telephone numbers of approximately 2,600 customers in Yorba Linda were changed and a new telephone prefix, 970, was assigned to the Yorba Linda central office while the prefix 993 was retained by the Placentia exchange and is still retained by those customers now serviced by the Placentia central office. The witness further testified that a telephone number prefix can be assigned only to one central office. The witness testified that the decision to retain the 993 prefix in the Placentia central office was in part influenced by the fact that fewer subscribers were affected by a telephone number change than would have been the case had the prefix 993 been moved to the Yorba Linda office. In any event, the witness testified that no change in service, rates, or local calling area resulted from such telephone number changes.

Regarding calls from the complainant's employer's place of business in the El Monte exchange to his home, the witness testified that the employer subscribes to a group of foreign exchange trunks to Anaheim and that these trunks permit calls from the employer's location over dedicated transmission facilities connecting its El Monte location with the Anaheim exchange. Such calls are then billed as though they originate in Anaheim. Since the Anaheim exchange is within the local

calling area of the Placentia exchange, they incur local calling charges. According to the witness, the complainant's employer has a customer-provided device attached to its foreign exchange trunks which is programmed to permit telephone calls to the complainant's old number, but not to his new number. Such device could be programmed to permit calls to the complainant's new telephone prefix at the same tariff rates as to his former telephone prefix if his employer so desires. Thus, according to the witness, the complainant's inability to use his employer's foreign exchange trunks to call his residence from work is due entirely to restrictions placed on the use of those foreign exchange trunks by the employer's call restricting equipment rather than by the defendant.

Discussion

There is no doubt that the defendant has the authority to change telephone numbers of its subscribers if such changes are reasonable and dictated by the circumstances.

Such authority is contained in the filed tariff provisions of Schedule Cal. P.U.C. No. 36-T, Rule 17, 3rd Revised Sheet 63, supra. Although a change in telephone numbers could be considered somewhat of an inconvenience to the residence subscriber in that it would require the notification of such number change to one's social and perhaps business correspondents, it must be weighed against the economic and other considerations faced by the telephone company when new plant, equipment, and central offices are to be installed. ^{For purposes of this Commission} Viewed in the circumstances given in this case, it is considered that the action of the defendant was entirely reasonable. Although there may be the possibility of a minor inconvenience to the complainant, we find no violation of any law, rule, or order of this Commission by the defendant. The change in the complainant's telephone prefix did

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not change the rates or service from that which he had subscribed to under his former telephone prefix. A residence subscriber is primarily affected by the rates charged for calls originating from his telephone, the boundaries of his local calling area, the service and maintenance of his telephone equipment, and any additional services beyond the basic service that he subscribes to. He is not affected by the rates charged others for calling his residence telephone number. The fact that since the telephone number prefix change, his employer would be charged long distance rates for the complainant's calls to his home as opposed to previously being charged as a local call, is not a proper subject matter which the complainant has standing to raise against the defendant. It is a subject matter between the complainant and his employer since the evidence shows that the employer has the option of having the device attached to his foreign exchange trunks programmed so as to allow calls to the complainant's residence at the same local rates as it was to his former telephone number. We thus conclude there was no violation of any law, rule, or order of this Commission by the defendant in changing the complainant's residence telephone number prefix.

Findings of Fact

1. The complainant is a resident of Yorba Linda and is a subscriber of the defendant's telephone service. He is employed by a firm located in El Monte. ✓

2. Prior to November 1977, the complainant and other subscribers residing in Yorba Linda were served from the defendant's central office in Placentia.

3. Coinciding with the construction of a new electronic central office in Yorba Linda in November 1977, complainant's telephone number, along with other Yorba Linda subscribers, was changed to a new Yorba Linda central office 970 prefix number while the previous 993 prefix number was retained by the Placentia central office.

4. Prior to the prefix number change serving complainant's residence, calls originating from his place of employment to his residence were charged as local calls to his employer's telephone service. After the prefix number change such calls were charged as message units or toll calls.

5. Complainant's employer utilizes a customer-provided device attached to the employer's foreign exchange trunks which could be programmed by the employer, if he so wishes, to permit calls to complainant's residence at the same tariff rates as to the complainant's former telephone prefix number. The employer has not elected to do so.

6. The authority of the defendant to make such changes in telephone numbers is contained in tariff Schedule Cal. P.U.C. No. 36-T, Rule 17, 3rd Revised Sheet 63.

7. The change in complainant's telephone number did not affect the local calling area or rates of the complainant's telephone service.

8. Complainant has failed to show that defendant violated any law, tariff, or order of the Commission.

Conclusion

Complainant has failed to prove a violation of any law, tariff, or order of the Commission by defendant; therefore, complainant's request for relief should be denied.

O R D E R

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

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

Dated at San Francisco, California, this 19th day of SEPTEMBER, 1978.

Robert Bateman
President
William Lyons, Jr.
James L. Stegeman
Joseph D. Howell
Clair T. Deloria
Commissioners