

ORIGINAL

Decision No. 89396 SEP 19 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CARROLL WAYNE PICKETT,

Complainant,

vs.

PACIFIC TELEPHONE,

Defendant.

(ECP)  
Case No. 10585  
(Filed June 5, 1978)

Carroll Wayne Pickett, for himself,  
complainant.  
Ed Neal, for The Pacific Telephone and  
Telegraph Company, defendant.

O P I N I O N

Complainant Carroll Wayne Pickett (Pickett) alleges that defendant The Pacific Telephone and Telegraph Company (Pacific) has been billing him for an excessive number of local message units for several years. Pickett asks that the Commission order Pacific (1) to pay Pickett \$750 in cash, (2) to let Pickett's telephone remain in service for an unlimited time, (3) to cease sending bills to Pickett until Pacific can correct its billing errors, and (4) to change Pickett's telephone to a commercial television telephone. Pacific denies that it has overbilled Pickett in any way and requests that it be released to enforce collection of telephone charges of \$130.35, which Pacific alleges to be due from Pickett for service covering billing dates between November 29, 1977 and July 17, 1978. A hearing on the case was held before Administrative Law Judge Pilling on July 28, 1978 at San Francisco.

Pickett lives alone in downtown San Francisco. His telephone service consists of nonpublished one-party residence service at lifeline rates (maximum allowance of 30 local calls per month)

and four custom calling services, to wit, call forwarding, call waiting, three-way calling, and 8-code customer changeable speed calling. Between and inclusive of the nine telephone billing dates of November 29, 1977 and July 17, 1978, Pacific billed Pickett for a total of 658 local message units for calls in excess of the 270 (nine months x 30 calls) allowable under his lifeline service. Charges for the excess units totaled \$32.90. Pickett testified that he never makes over 10 to 15 local calls per month and rarely spends over five minutes per local call. To substantiate his alleged minimum usage of his telephone for local calls, Pickett produced his billings for six of the nine months which showed that the number of minutes for which he was billed for each of his multi-message unit calls for those months was, in minutes, 2, 1, 5, 4, 1, 8, 1, 19, 9, 31, 2, 3, 16, 4, 2, 4, 2, 1, 9, 2, 5, 6, 12, 1, 3, 9, 2, 4, 1, 1, 3, 1, and 3. Pickett did not present any log showing either the number or the duration of any of his local telephone calls or calls forwarded.

The witness for Pacific testified that after receiving complaints from Pickett that he was being charged for excessive local message units, Pacific, on three separate occasions, checked out all facilities and equipment having to do with Pickett's local calls and found on each occasion that the equipment and facilities were functioning properly. Pacific's witness testified that Pickett owed Pacific a total cumulative amount of \$130.35 (including \$32.90 for the alleged excessive local message units) for telephone service between the billing dates of November 29, 1977 and July 17, 1978 and that such amount is unpaid. The witness stated that he knew of no service offered by Pacific called a commercial television telephone, which was the type of service requested by Pickett in his complaint.

As the witness for Pacific was very convincing in his testimony regarding the proper operation of the equipment used to record the calls, and as Pickett had no log of his local calls and calls forwarded, Pickett will be denied any relief.

O R D E R

IT IS ORDERED that:

1. The requests of Carroll Wayne Pickett contained in (ECP) Case No. 10585 are denied.

2. Carroll Wayne Pickett is in arrears \$130.35 in the payment of his telephone bills for billings to and including July 17, 1978.

3. The \$22.85 Carroll Wayne Pickett has deposited with the Commission shall be forwarded to The Pacific Telephone and Telegraph Company as part payment of Carroll Wayne Pickett's telephone billings to and including July 17, 1978.

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.

Rolund Batizovic  
President

William J. Quinn

Veron L. Sturgeon

Joseph W. Shively

Clair T. Deady  
Commissioners