

ORIGINAL

Decision No. 89446 OCT 3 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WALTER A. RUNCIMAN,
Complainant,

vs

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,
Defendant.

Case No. 10591
(Filed June 8, 1978)

O P I N I O N

Complainant is requesting telephone service without payment of the applicable line extension charge. All relevant facts necessary to reach a decision on the relief requested are set forth in the complaint and are admitted in defendant's answer. Our findings are based on the pleadings on file.

Complainant and defendant were advised by the assigned Administrative Law Judge that he would recommend that the Commission decide the matter ex parte. The parties were afforded an opportunity to set forth any objections to ex parte handling, as well as an opportunity to present argument by letter. Complainant and defendant responded by letters dated August 30, 1978 and September 15, 1978 respectively. Neither party objected to ex parte handling.

Findings

1. Complainant alleges and defendant does not deny that:

- (a) Complainant requested telephone service for his residence at 19031 Mustang Drive, Stallion Springs, Tehachapi, California, on November 1, 1976. Complainant was told there would be a line charge of \$7,734.
- (b) Complainant was advised by letter dated October 17, 1977 from the Commission staff that:
 - (1) The line extension to complainant's premises was 7,725 feet from the nearest serving facility and the resulting line extension quotation was \$7,734.
 - (2) The \$7,734 line extension quotation had been reduced to \$5,203.75 because other orders had been placed which reduced the required line extension by 2,220 feet (as new customers obtain service, which reduces the construction cost of the line extension, the line extension charge to complainant is reduced).

- (c) A telephone line extension was extended to complainant's premises after October 1977. The telephone cable and poles connect to nothing.
- (d) Complainant wants telephone service without payment of line extension charges. Defendant will not give service to complainant without payment of line extension charges of \$5,203.75.

2. Complainant alleges and defendant denies that a neighbor received over one mile of line extension without charge.

3. Defendant alleges that it extended its facilities to serve complainant by mistake.

Conclusions

1. Defendant is not entitled to include in its utility plant accounts and earn a return from its customers on the line extension constructed by mistake to complainant's premises. Such costs must be excluded from rate base until the plant is used and useful in providing telephone service.

2. Complainant is not entitled to telephone service unless he pays the line extension charges required under defendant's tariff.

O R D E R

IT IS ORDERED that:

- 1. Defendant shall advise the Commission staff of the costs it incurred by mistakenly extending a telephone line to complainant's premises.

2. None of the costs set forth in Ordering Paragraph 1 are to be included in any plant account on which defendant claims a right to earn a return from its customers until such plant is used to provide utility service.

3. The complaint is dismissed.

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

Dated at San Francisco, California, this 3rd day of OCTOBER, 1978.

Robert Bateman
President

William J. Jones, Jr.

Thomas L. Sturgeon

Richard W. Secor

Marie J. Deitch
Commissioners