

EA/NB

ORIGINAL

Decision No. 89521 OCT 17 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CHARLES A. DOORLEY,)
)
 Complainant,)
)
 vs.)
)
 GENERAL TELEPHONE COMPANY,)
)
 Defendant.)

Case No. 10596
(Filed June 13, 1978)

OPINION AND ORDER

Complainant, Charles A. Doorley, alleges that on the afternoon of May 21, 1978 an operator of defendant, General Telephone Company of California, was instrumental in connecting complainant to an obscene monologue. The complaint asks that the Commission "make judgment".

Defendant moved to strike and dismiss on the grounds that complainant's allegations were uncertain at best as to what unlawful act was committed by defendant, and that the Commission has no jurisdiction to award damages. Defendant alternatively answered that complainant had requested assistance of one of defendant's operators on May 20, 1978 but that defendant was unaware of the contents of any connection between complainant and third parties. The Commission staff and defendant have conducted an investigation of the incident. They report that it occurred between 3:00 and 5:00 p.m. on May 20, 1978; that an operator at defendant's Palm Springs facility attempted to connect complainant to the Los Angeles directory assistance operator and went off the line after the first ring; and that complainant heard a monologue of an obscene nature, possibly a recording.

They further report that neither the staff nor defendant has been able to determine the telephone number of the line heard by complainant; that it could have been an out-of-state line; and that neither has been able to pinpoint the precise mechanical reason for the misconnection.

These findings have been made known to and discussed with complainant. Complainant, the Commission staff, and defendant believe that no further purpose would be served by a formal hearing and are desirous of concluding this matter without the necessity of a hearing. To this end, and after being fully advised of his right to a hearing, complainant has expressed his consent to closing this case along the lines of this decision.

We find and conclude that complainant was, without intent or negligence on the part of defendant, connected to or otherwise cross-circuited with a monologue of an obscene nature, and that the Commission should be made aware of the telephone numbers of such monologues in order to take appropriate further action.

Therefore, IT IS ORDERED that defendant shall instruct its operators to, in the event they become aware that such a monologue is on the line, hold the call and attempt to ascertain the telephone number of such monologue, and that defendant shall advise the Commission staff of all such numbers ascertained.

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

Dated at San Francisco, California, this 17th day of OCTOBER, 1978.

William J. Quinn President
James L. Stephens
Richard D. Powell
Chas. J. Daniels Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.