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Decision No. 89667 NOV 28 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DeMille R. Strawhorn,

Complainant,

vs.

Pacific Telephone & Telegraph Co.

Defendant.

(ECP)

Case No. 10661

(Filed August 28, 1978)

Robert L. Chazin and DeMille Strawhorn,  
for complainant.  
Edward Neal, for defendant.

O P I N I O N

The complaint alleges that defendant interrupted complainant's telephone service on August 22, 1978, without first giving notice as required by defendant's tariffs. It further alleges that complainant is willing to pay the entire telephone bill due, but not the \$11 installation charge and the \$25 security deposit that defendant has arbitrarily imposed. Complainant prays that he be excused from paying this \$36 for reinstallation of his service. Complainant deposited \$46.54 with the Commission on August 31, 1978, which was owed at the time service was discontinued. An additional \$36 was deposited on September 1, 1978, as the amount in dispute. Service was restored on August 31, 1978 after the Commission advised defendant that the first deposit had been received.

The Answer alleges as follows: That complainant's July 26, 1978 service bill was \$46.54; that a statement was rendered on August 2, 1978, with a due date of August 18, 1978; that a denial notice was mailed on August 11, 1978, which advised the service would be disconnected on August 18, if no payment was received; that an attempt was made on August 21 and 22 to contact complainant, without success; and that service was discontinued on August 22, 1978.

A public hearing was held in San Francisco on October 16, 1978, before Administrative Law Judge Fraser and the case was submitted after the presentation of evidence by the parties. Complainant testified that at 10 p.m. on August 22, 1978 he tried to make a telephone call and discovered the line was dead, without a dial tone; he then had a friend call his number and the telephone did not ring. He called defendant's business office the next day and was advised for the first time that his service had been disconnected due to a failure to pay the July service bill. He informed the operator that he would pay the \$46.54 and she replied he would have to send \$82.54 before service would be restored. He refused to pay the additional \$36 and filed this complaint.

Defendant's representative testified that the usual denial notice was mailed on August 11 to advise service would be disconnected on August 18 unless some payment was received. Defendant's representative tried to contact complainant on August 21 and 22 without success and even called an individual listed on the telephone application as a reference. No communication or payment was received and complainant's service was disconnected on August 22, 1978. It was restored on August 29 after complainant deposited the amount owing on the bill with this Commission.

Complainant admitted that he received three denial notices in the past nine months which threatened a cutoff in service. Defendant's representative admitted that complainant paid the bill in each instance before service was discontinued. Under the circumstances, the \$11 installation charge should be paid to defendant and the \$25 security deposit returned to complainant.

Pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure, complainant and defendant consented to the Expedited Complaint Procedure and waived the presence of a court reporter and a record of the hearing and findings of fact and conclusions of law.

O R D E R

IT IS ORDERED that the sum of \$57.54 shall be deducted from the sum of \$82.54 complainant has deposited with the Commission and

disbursed to The Pacific Telephone and Telegraph Company; the remaining \$25 will be returned to complainant.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of NOVEMBER, 1978.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Robert Batistich  
President  
William Lyons Jr.  
James W. Givale  
Clara T. Deloria  
Commissioners