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ORIGINAL

Decision No. 90311 MAY 22 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PUTNAM BUICK, INC.,
 Complainant,
 vs.
 PACIFIC TELEPHONE AND
 TELEGRAPH COMPANY,
 Defendant.

Case No. 10654
(Filed August 21, 1978)

Raymond W. Palmer, for Putnam Buick, Inc., complainant.
Stanley J. Moore, Attorney at Law, for The Pacific
 Telephone and Telegraph Company, defendant.

O P I N I O N

This is a complaint by Putnam Buick, Inc. (Putnam) against The Pacific Telephone and Telegraph Company (PT&T). Putnam complains that charges quoted to it for proposed service are unreasonable and that changes in PT&T's tariff were not properly adopted.

A duly noticed public hearing was held in this matter before Administrative Law Judge Donald B. Jarvis in San Francisco on February 5, 1979, and it was submitted on February 6, 1979.

Putnam produced no evidence at the hearing. PT&T stipulated that it furnished a quotation to Putnam of \$782 which included a charge of \$396 for 44 station visits. The stipulation plus matters admitted by PT&T in the pleadings constitute the record before the Commission. (Peyton v Cly (1960) 184 CA 2d 193, 195-96.) A summary of the controversy is appropriate.

Putnam requested a quotation from PT&T for service which it contemplated ordering. It questioned the appropriateness of the quotation under PT&T's tariffs. PT&T asserted the correctness of the quotation. Thereafter, the Commission acting upon an advice letter filed prior to Putnam's requested quotation, authorized a revision of PT&T's tariff which clearly provides for the disputed charges. Putnam contends: that the tariff changes were not properly adopted; that the previous provisions should still be effective; and that under its interpretation of these provisions the quoted charges are unreasonable.

Putnam argues that the tariff change here challenged was improper because it resulted in a rate increase without appropriate hearings.^{1/} There is no merit in this contention.

Assuming arguendo that the tariff revision did result in an increased rate, it was lawfully adopted.

In Application of PT&T (1977) Decision No. 88232 in Application No. 55492 and Case No. 10001, the Commission found the rates authorized therein were reasonable and authorized the filing of revised tariff schedules. (Ordering Paragraph 5.) The challenged revision was authorized by Appendix B of Decision No. 88232. The challenged advice letter filing was in compliance with law.

No other points require discussion. The Commission makes the following findings and conclusions.

^{1/} PT&T asserts that the tariff provided for the same application of its provisions before and after the revision.

Findings of Fact

1. On December 13, 1977, the Commission entered Decision No. 88232 in Application No. 55492 and Case No. 10001.
2. On May 31, 1978, PT&T filed with the Commission Advice Letter No. 12792 seeking to revise Sheet 20 of its Schedule Cal. P.U.C. No. 28-T. This revision was authorized in Decision No. 86232.
3. On or about June 13, 1978, in response to its request, Putnam received a quotation from PT&T of \$782 as the requisite charge for installing a foreign exchange measured business line. The quotation included the sum of \$396 for 44 station visits.
4. The service referred to in the quotation has never been ordered by Putnam or installed by PT&T.
5. PT&T's 8th Revised Sheet 20, Schedule Cal. P.U.C. No. 28-T became effective on July 1, 1978. The charge for installing a foreign exchange measured business line including 44 station visits is \$782 under PT&T's applicable tariff schedules.
6. Public Utilities Code Sections 453(a) and 532 require PT&T to apply its tariff charges in effect at the time of installation or establishment of service.

Conclusions of Law

1. PT&T's Advice Letter No. 12792, establishing 8th Revised Sheet 20, Schedule Cal. P.U.C. No. 28-T, was lawfully authorized by the Commission.

2. Putnam is entitled to no relief in this proceeding.

O R D E R

IT IS ORDERED that Putnam Buick, Inc. is entitled to no relief in this proceeding and the complaint is denied.

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

Dated at San Francisco, California, this 22nd day of MAY, 1979.

John E. Bryin
President
Richard W. Howell
James J. ...
Commissioners