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Decision No. 91070

NOV 30 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LLOYD L. LONG,
Complainant,

vs

PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,
Defendant.

(ECP)

Case No. 10785

(Filed September 18, 1979)

Lloyd L. Long, for himself, complainant.

Ed Neal, for The Pacific Telephone and Telegraph Company,
defendant.

O P I N I O N

This matter was heard before Administrative Law Judge Gilman in San Francisco on October 26, 1979, under the Expedited Complaint Procedure (Rule 13.2), both parties appearing without counsel and presenting their respective cases informally, without the presence of a court reporter.

After both parties had presented their case in chief, and been afforded an opportunity for cross-examination, it appeared that it might be possible to dispose of the dispute by stipulation.

In exchange for an agreement that the utility might retain the \$12 disputed installation charge, it offered to furnish precisely the type of instrument which complainant had originally ordered installed with special attention to ensure that the installer would call at precisely the time pre-arranged, and to forgive and/or refund extra charges for a Trimline instrument not ordered by complainant.

Complainant indicated that his primary purpose in calling for a hearing was to point out to the Commission certain claimed defects in defendant's installation tariffs and practices. The ALJ undertook to call such issues to the attention of responsible members of the Commission staff, for consideration in any appropriate proceeding.

Complainant contended that the utility had effectively converted to a system whereby most new customers could, and were urged to, accomplish a "do-it-yourself" installation, but might be still charged in whole or in part for costs attributable to a visit by an installer to perform certain tasks at the service location. He urged that customers should continue to have, and be informed of, an option to demand and pay for traditional installation rather than picking out their instrument at a "phone store", transporting it (and the directory) home and plugging it into a jack.

He was also concerned about ambiguities in the tariff. For example, he pointed out that a layman could easily misinterpret the term "Central Office Connection Work" (PT&T Co. No. 28-T; IV(1)(b)) to refer to paperwork rather than wiring changes in the central switching facility.

We find that the stipulation proposed by complainant and defendant is acceptable and not adverse to the public interest, and conclude that it should be accepted as the basis for disposing of this proceeding.

O R D E R

IT IS HEREBY ORDERED that:

1. Defendant may retain the \$12 service charge in dispute herein.
2. Defendant shall install, at a time convenient to complainant, the type of instrument ordered by complainant.

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3. Complainant shall no longer be billed for a Triline instrument; all prior charges for such instrument shall be refunded.

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

Dated NOV 30 1979 at San Francisco, California.

John E. Boyer
President
Richard W. Howell
Charles F. Schuch
Edmund M. Smith
Commissioners