

MBH

Decision No. 91784 MAY 6 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

NATIONAL COMMUNICATION CENTER)
CORPORATION, dba THE NATIONAL)
COMMUNICATION CENTER;)
AUTOMATION INTERNATIONAL, INC.;)
RANDALL, ROGERS & LONG; CCS)
CENTER, INC.; and CRT, INC.,)

Case No. 10446
(Filed October 19, 1977;
amended July 5, 1978)

Complainants,)

vs.)

THE PACIFIC TELEPHONE AND)
TELEGRAPH COMPANY,)

Defendant.)

ORDER MODIFYING DECISION NO. 90997
AND DENYING REHEARING

Pacific Telephone and Telegraph Co. (Pacific) has filed a petition for rehearing of Decision No. 90997. That decision granted to complainants National Communication Center Corp., et al. (NCC), \$25,000 in reparations. We are of the opinion that rehearing should be denied. However, Pacific does question certain language in the decision which we agree requires some clarification. On page 18 (mimeo.) of the decision, there appears discussion as to Pacific's duty to provide NCC with information concerning the availability of INWATS line usage meters. That discussion concludes with our apparent holding that Pacific has a general duty to stock hardware items offered in its tariffs. We wish to correct that erroneous impression.

The point of the decision is that Pacific owes its customers a responsibility to provide all available and accurate information as those customers may require to make an intelligent choice between similar services where such a choice exists. Pacific here failed to provide NCC with such information as to the varying economies of the several INWATS line configurations it offers and we granted NCC

réparations as a result. In this regard, Pacific failed to give NCC pertinent information as to the availability of INWATS line usage meters, both in the generic sense that the meters existed and in the specific sense that the meters were not readily obtainable but were subject to lengthy delays in delivery. If it were armed with this latter information, NCC could have better determined its needs with respect to these meters and made more prompt orders for its second and third control rooms. Thus, we hold not that Pacific must stock all tariffed hardware items (some of which, Pacific informs us, are either obsolete or in extremely low demand) but that Pacific must provide customers with the fullest information available to Pacific regarding such items. This is in accord with our stated Conclusions of Law Nos. 4 and 5 of Decision No. 90997 (p. 22); however, for clarity's sake, Conclusion of Law No. 6 (p. 23) should be deleted. Therefore,

IT IS ORDERED THAT the above discussion modifies and supplements Decision No. 90997; and,

IT IS FURTHER ORDERED THAT Conclusion of Law No. 6 of Decision No. 90997 is hereby deleted; and,

IT IS FURTHER ORDERED THAT rehearing of Decision No. 90997 as modified by this order is hereby denied.

The effective date of this order is the date hereof.

Dated MAY 6 1980 , at San Francisco, California.

John E. Guyon
President

Richard W. Howell
Paul J. DeLuca

Commissioners

I dissent, I would grant re-hearing
Vernon L. Sturgeon

I abstain.

LEONARD M. CRIMES, JR. Commissioner