

ORIGINAL

JUL 2 1980

Decision No. 91979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ileane Paucker,)
 Complainant,)
 vs)
 General Telephone Company of)
 California,)
 Defendant.)

Case No. 10717
(Filed February 6, 1979)

Ileane Paucker, for herself, complainant.
Susan E. Amerson, Attorney at Law, for General
 Telephone Company of California, defendant.
Othella Maxine Harrison, for the Commission staff.

O P I N I O N

The complaint of Ms. Ileane Paucker (Paucker) alleges that for at least two years General Telephone Company of California (General) has billed her for calls which in fact were not made from her telephone. After repeated correspondence and conversations with General's personnel, the problem has not been corrected. It is alleged that General is now refusing to provide call details in response to Paucker's request so that she can verify her telephone bills. It is also alleged that General has interrupted her telephone service and has forced her to spend dozens of hours correcting misbillings and has displayed an utter lack of concern toward correcting the situation. Paucker requests the Commission to investigate and determine that the calls being charged are actually originating on her telephone; that General be enjoined from

collecting for disputed phone calls; and that General be ordered to automatically include call details with each monthly billing.

A prehearing conference was held on April 16, 1979 at which it was agreed among the parties that: (1) the complaint is amended so as to deal only with disputed telephone calls for the months of January through April of 1979; (2) Paucker and General, along with a member of the staff, would go over these bills trying to resolve those that are in dispute; (3) General would investigate the disputed calls and submit a written report to Paucker, the staff, and the Administrative Law Judge (ALJ), which would show, if possible, how the disputed calls got charged to Paucker's telephone number and what settlements are offered or agreed to be made between the parties; (4) if the report and explanations by General are not satisfactory and there are matters with which Paucker could not agree and must be tried, Paucker would so advise the ALJ by letter to be posted no later than June 15, 1979; and (5) Paucker reserves the right and requests that General's investigation include the prior years, at least as far back as 1978, to, if possible, indicate how the disputed bills for those years which were already settled on a monetary basis managed to get on to her account.

General's report of its investigation was filed on June 4, 1979 as agreed upon. The report shows that a very detailed and thorough investigation was made of both Paucker's premises and the central office equipment. All connections inside and under Paucker's house were made including the phone instruments in the house and the multiple connections on the pole. No trouble was found on the connections. Checks were made for foreign batteries or other instruments, (black boxes or blue boxes) but none were found. No hot drops were found on the central office equipment. A complete

standard central office inspection was done plus additional checks over and above the standard procedure such as checking protection devices, dial-tone equipment and the alarm and transfer test. All checked out properly.

In addition to the above, General called the numbers which Paucker claimed she did not call during the months of January through April 1979. The results of this checking showed that many of the numbers called recognized Paucker, while others had no record of her calling or of her. The report went on to discuss the disputed calls as far back as 1978. What information was available in the records was provided to Paucker. Some of the information requested, however, was impossible to provide since it is not recorded in the ordinary course of business and also with the passage of time much of the detail is no longer available.

General believes that its investigation has eliminated all the ways in which a call or calls could be billed to Paucker without the call having originated on the phone instruments in Paucker's home. Of the eighteen calls disclaimed, one was not a call actually billed; one was the originating point of a third number billed call; one was, apparently, not really disclaimed; two apparently were disclaimed in error, (May Company calls); and three are places Paucker does sometimes call. Eight of the disclaimed calls were, according to General, probably not disclaimable with the result that General believes it is reasonable to infer that the calls were made from Paucker's phone.

We shall receive General's June 4, 1979 report as Exhibit 1.

A hearing was scheduled and held on November 9, 1979, in Los Angeles. Paucker failed to appear. Counsel for General advised the ALJ that she had had conversations with an attorney that Paucker had hired to the effect that an agreement had been reached to see if

a way could be worked out to handle the controversy. General indicated its willingness to go along with this arrangement for at least 90 days. ✓

Since Paucker was not present at the hearing nor was she represented there by counsel, General's attorney agreed to contact Paucker's attorney and advise him that the bench had requested him to advise the Commission whether he is to be the attorney of record; and to advise the specific date Paucker started keeping a log of her telephone calls in accordance with an arrangement with General under which General would attach a tape to her line for comparison purposes.

By letter dated January 15, Allen D. Boyack, an attorney at law, advised the ALJ that he was retained to represent Paucker. He pointed out that he believed it to be in the best interest of all parties concerned to defer the hearing which had been set for January 18, 1980 for a period of 100 days, stating that he would advise the ALJ as to the possible termination of this case on or before the expiration of the 100-day period. He also pointed out that Paucker had moved.

No further communication has been received from either Paucker or her attorney. The 100-day period expired April 25, 1980. We find that complainant has failed to diligently pursue this matter and conclude that the case should be dismissed.

No deposits have been made with the Commission in connection with this complaint.

O R D E R

IT IS ORDERED that Case No. 10717 is dismissed with prejudice.

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

Dated JUL 2 1980, at San Francisco, California.

John E. Guyon
President
James L. Stinson
Richard D. Howell
Clair T. DeLoach
James M. Smith
Commissioners