

ORIGINAL

Decision No. 92300

OCT 8 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RADAR COURIERS, INC.,

Complainant,

vs.

PACIFIC TELEPHONE & TELEGRAPH CO.,

Defendant.

(ECP)  
Case No. 10862  
(Filed May 8, 1980)

Ralph Anthony Demado, for complainant.  
V. Henderson, for defendant.

O P I N I O N

Summary of Complaint

Complainant, a customer of The Pacific Telephone and Telegraph Company (Pacific), alleges that its February 1980 telephone bill was enormous because a certain number, not being dialed from complainant's phone number, repeatedly appeared on its bill. Complainant states that its protests on the billing caused a reluctant Pacific to perform certain tests. Complainant requested a hearing.

Pacific's Response

Pacific admits that, on December 14, 1979, complainant's bookkeeper advised Pacific that complainant had been incorrectly charged for calls made to phone number 971-2291 shown on Pacific's December 4, 1979 bill because complainant's employees always dialed toll-free number 800-262-1410, rather than 971-2291, to a radio telephone

utility (RTU) providing tone-only paging services used by complainant. Pacific states that complainant's dispatchers can directly dial either of those numbers to page one of its drivers; complainant pays message unit charges for calls made on 971-2291 but does not pay for calls made on 800-262-1410; and that the details of all calls directly dialed by complainant, including calls to 971-2291, are recorded on Automatic Message Accounting tape.

In order to check out complainant's objections to Pacific's December 1979 and January 1980 billings, Pacific states that it performed separate equipment verification tests and found no trouble with its equipment. It activated equipment in its central office to aid in identifying numbers being called by complainant and found that complainant's calls were being correctly recorded. Pacific verified that complainant's service was correctly established in its computer. Pacific also states that after issuing its February 4, 1980 bill to complainant, one of Pacific's employees called complainant to explain all of the investigative steps taken by Pacific without finding any trouble with complainant's service and to explain Pacific's position that the disputed calls were properly billed as dialed. Further checks of Pacific's equipment made in March 1980 showed no malfunctions.

Pacific notes that complainant's dispatchers would have fewer digits to dial when calling 971-2291 compared to 1-800-262-1410 and it contends that the latter number is sometimes busy.

Pacific concludes that: (1) it would be impossible for calls dialed to an 800 number to be billed as 971-2291 without a widespread equipment failure affecting many customers—which has not occurred; (2) complainant is responsible for payment of Pacific's bills;<sup>1/</sup> (3) complainant has deposited \$1,183.74 with the Commission which is the total billed to complainant in December 1979 and in January and February 1980, but that the disputed amount for the 971-2291 calls, including taxes, during this period is \$327.17; (4) complainant is not entitled to any relief; and (5) the complaint should be dismissed.

Hearing

After notice, a hearing was held in the city of Los Angeles on July 16, 1980 before Administrative Law Judge Levander under the Expedited Complaint Procedure set forth in Rule 13.2 of the Rules of Practice and Procedure and Section 1702.1 of the Public Utilities Code. The complaint was submitted on that date.

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<sup>1/</sup> Schedule Cal. P.U.C. No. 36-T, Rule No. 9, 6th Revised Sheet 44, of Pacific's Tariff, states in part:

"RENDERING AND PAYMENT OF BILLS

"A customer for service shall be responsible for the payment of all exchange, toll and other charges applicable to his service made in accordance with the Utility's schedules of rates and rules."

Complainant's Evidence

Complainant's messenger service requires three dispatchers to page its drivers. The dispatchers (Ralph Demado, complainant's president; his brother; and a trusted employee) call an RTU to transmit a beeper paging signal. Complainant's telephone problems commenced after it switched to a new RTU in August 1979. Complainant paid the initial bills including large numbers of toll calls to the RTU at 971-2291. Upon inquiry to the new RTU complainant was provided with the RTU's toll-free number. Demado testified that the three dispatchers worked together most of the time; that once they were aware of the problem they discontinued dialing 971-2291; and that if the toll-free number was busy, they would dial again. Since mid-February, complainant has not been billed for 971-2291 calls.

Pacific's Evidence

A Pacific business marketing manager testified that he reviewed Pacific's records and talked to Pacific's technical people about the dispute. He summarized the steps taken by Pacific, which were incorporated in the above-described answer to the complaint. He testified that since Pacific could not find any malfunction of its equipment after repeated checks, including physical inspections of the punched paper tape on which the calls were originally recorded, Pacific sent a notice to complainant to pay its bills or face an interruption of service. Pacific gave complainant a two-day extension of time to pay the \$1,183.74 due. Complainant deposited the full amount due (not the \$327.17 in dispute), under protest, with the Commission. He testified that in his 18-year employment with Pacific he never heard of a situation where a customer claimed that a ten-digit number was billed as a seven-digit number.

In his testimony, a Pacific district manager of major electromagnetic switching equipment described the physical processing of calls in the affected central office, how incoming calls are physically recorded on paper tape and then on magnetic tape, and the equipment tests performed to detect any equipment malfunction. Pacific found no malfunction. He testified that a special test was run in which cards dropped when either of the two numbers was dialed by complainant. He noted that cards sometimes dropped at five-to six-second intervals; sometimes the 800 number was dialed once, twice, or three times in a row, and then the toll call was placed.

Discussion

Pacific went to great lengths in checking out the complaint. Absent any indication of equipment malfunction there is no basis for adjusting complainant's bills. The mechanical malfunction needed to record a ten-digit number as a seven-digit number would have affected the other 25,000 customers using the same central office equipment as complainant but no similar complaints were made. The calls were dialed on complainant's phone and complainant is responsible for payment of bills for those calls. The relief requested should be denied.


O R D E R

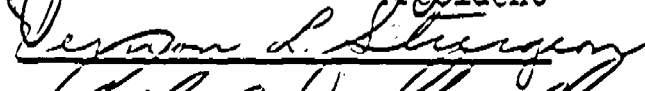
IT IS ORDERED that:


1. The relief requested is denied.
2. The deposit by complainant in the sum of \$1,183.74 retained by the Commission with respect to this complaint shall be disbursed to The Pacific Telephone and Telegraph Company.

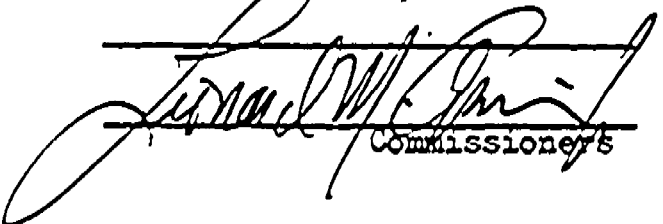
The effective date of this order shall be thirty days after the date hereof.

Dated OCT 8 1980, at San Francisco, California.

  
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President

  
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Vernon L. Sturgis

  
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Richard D. Hoyle

  
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Commissioner's

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.