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Decision 95-12-012 December 6, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

College of Software Dynamics,	)
Omar Mousa,	)
	)
Complainant,	)
	)
vs.	)
	)
Pacific Bell,	)
	)
Defendant.	)

(ECP)  
Case 95-06-009  
(Filed June 20, 1995)

**ORIGINAL**

Omar Mousa, for himself, complainant.  
Adrian Tyler, for Pacific Bell, defendant.

O P I N I O N

Omar Mousa, president of the Collège of Software Dynamics, complainant, alleges that the Centrex telephone system in his business office has malfunctioned since its installation in July 1994. He alleges that the telephone numbers on the telephones do not match the numbers assigned; inside wiring is improper; incoming calls cannot be transferred; the fascimile (fax) telephone number assigned is incorrect; the on-site circuit board is messy and unlabelled; and the training conducted by Pacific Bell (Pacific) was late. Complainant requests a refund of \$160 for service charges, \$700 for Centrex charges, and \$325 for installation charges. Complainant withdrew his request for recovery of the costs to pursue this complaint.

Pacific denies that the system was improperly installed. Pacific contends that complainant is responsible for the malfunctioning of the system because he did not attend the initial Centrex training, reconfigured the wiring and added lines and features incompatible with the system ("line hunting" and call pick-up). Pacific requests that the complaint be denied.

On July 20, 1995 at the time scheduled for hearing, complainant's representative, Mr. Dirkovich, requested a continuance because complainant had a conflicting business engagement. A hearing was held on August 31 and October 5, 1995.

Based upon the lack of sufficient evidence to prove that defendant improperly installed the Centrex system, we must deny the complaint.

#### The Hearing

In June 1994 complainant discussed installing a Centrex system at his business location, with defendant's Centrex Account Representative, Erin Miller. He ordered the system and agreed to have it installed on July 8. However, when Pacific informed him they could not meet this date, he complained until Pacific agreed to reinstate the original installation date.

On July 8, Roveré Evans, Pacific's technician, arrived at Mousa's office to install the system. Evans has installed 5-6 Centrex systems and is a qualified technician. His work order instructed him to install dial tone for four Centrex lines to the point of entry in the building, which was on the first level. When he arrived, an unidentified gentleman introduced himself as complainant's "equipment man" and requested service to the jacks in the business office on an upper level. Complainant confirmed this revision of the work order and Evans called his office to report the installation change. Evans completed the job according to the instructions of complainant's representative. He connected one line to each jack using telephone numbers supplied by the representative. Evans verified that the lines were operating properly with his central office because there were no telephone sets on the premises.

The next day, Saturday July 9, complainant bought and connected telephone sets. The sets accommodated 2-3 lines per set.

The following Monday, Pacific's trainer, Greg Dirksen, arrived at 3 p.m. to conduct a Centrex training at Mousa's office.

He trained four employees to use the lines, equipment, and features in Mousa's office. He watched each employee operate all installed features successfully except the fax line. No training on the operation of the fax line was performed. Mousa was not present. The employees did not inform Dirksen that there were any problems with the equipment or features.

At the hearing, Mousa contended that the trainer was late and that he could not wait because of another appointment. Mousa testified that he told his employees to tell the trainer that the system was "all wrong". Dirksen disputes his lateness and testified that the employees did not complain about the system and, in fact, used every feature.

Dirksen testified that since Mousa was not available for training on the scheduled day, he later made numerous telephone calls to schedule Mousa's training. However, his calls were not returned and to the best of his knowledge, Mousa was never trained on the system. Mousa, on the other hand, contends he is an engineer, knows the system, and has trained his new employees. He also stated he waited for the trainer a second time and he/she did not keep the appointment.

On July 28, a second Pacific technician, Steve Esparza, responded to Mousa's continuing complaints that the system did not work properly. Mousa testified that Esparza told him that the system was improperly installed and sympathized with the customers about the inadequate service. However, at the hearing, Esparza denied making these statements. Esparza testified that he was confronted with an irate customer, his supervisors were not available by telephone, so he decided to "clean up" the circuit box by removing wires left by previous occupants and perform without charge the revisions to the jacks to accommodate 3 lines as Mousa requested.

Sheryl Varien, complainant's employee, testified that the system still will not properly transfer calls and there is frequent interference on the lines by the fax, voices, and static:

In January 1995, Kathleen Downey, defendant's customer representative, inspected Mousa's system. She testified that Mousa had added another business line and features without consulting his Centrex representative and these new additions, installed without consideration of the existing system, were incompatible. She described the reason for the problems. All of the lines are set by the hunting system to roll-over to another line when the initial line is busy. This creates confusion and interferes with a call transferred from one desk to another. Downey has made recommendations to solve the system problems. However, they have not been enacted because Mousa wants to terminate the system and to apply his requested credits toward single business lines.

After hearing Varien explain how she uses the features, Dirksen testified that this new employee, who was not trained by Pacific, is not following the proper instructions to activate the features, which is also creating confusion and problems.

#### Discussion

There is no evidence that complainant rewired his system, as defendant alleges. However, complainant admits he installed a temporary line before his jacks were rewired. Defendant's witness, Esparza, who removed the wire, admitted that this temporary wire did not create a problem.

Defendant's explanation of why this Centrex system is not functioning properly is more plausible than the evidence presented by complainant. Since the initial installer, Evans, has substantial experience performing Centrex installations and verified with his central office the system was operating properly, we cannot conclude that the initial installation was faulty.

Since complainant's new employee appears not to follow the proper instructions for operating the features, we cannot conclude that the system itself is in error.

In addition, since complainant has added an additional line and hunting and call pick-up features without properly adjusting these additions to the existing system design, defendant cannot be held responsible for the system problems. However, to avoid future allegations of poor quality of service and formal complaints, defendant should review its procedures for Centrex customers since it is likely that a new Centrex customer will add features without remembering to consult an assigned representative or understanding the importance of making this request to the Centrex representative.

O R D E R

IT IS ORDERED that this complaint is denied.

This order is effective today.

Dated December 6, 1995, at San Francisco, California.

DANIEL Wm. FESSLER  
President  
P. GREGORY CONLON  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners