

Decision 96-02-049 February 23, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Leo E. Laurence,
Complainant,
vs.
Pacific Bell (U 1001 C),
Defendant.

ORIGINAL
(ECP)
Case 95-03-028
(Filed March 27, 1995)

Leo E. Laurence, for himself, complainant.
N. Hensley, for defendant.

OPINION

Complainant seeks a refund for overbilling. Defendant asserts the telephone bills were accurate. Public hearing was held May 25, 1995.

Complainant subscribes to Universal Lifeline Telephone Service (ULTS). Complainant alleges that he received a bill insert from Pacific Bell (Exhibit 3) which states "You will continue to see a \$3.50 credit on your bill for charges for Network Access for Interstate Calling." He said his bills never showed that credit. He seeks to obtain that credit. His bill shows a \$1.75 debit and a \$1.75 credit, which he claims is not the Network Access credit.

Defendant's witness testified that the \$3.50 credit which is related to "Charges for Network Access for Interstate Calling," is referred to as the End User Common Line (EUCL) charge and is imposed by the FCC. Residence customers pay a \$3.50 EUCL charge each month. As a ULTS customer, complainant is not required to pay the EUCL charge. Two different subsidy mechanisms offset this \$3.50 charge for each ULTS customer. Currently, the FCC subsidy mechanism offsets \$1.75 per month of the EUCL charge for each ULTS

customer. This subsidy is reflected in the FCC Tariff which states that ULTS customers should only be billed \$1.75 for EUCL charges. The balance of the EUCL is offset by the second subsidy mechanism, the California ULTS trust Fund (Fund). Currently, this Fund provides a \$1.75 per month EUCL credit to each ULTS customer. These two credits completely offset the \$3.50 EUCL charges for ULTS customers.

A ULTS customer, such as complainant is not required to pay the \$3.50 EUCL charge. By FCC rules, ULTS customers are only billed 50% of the \$3.50 EUCL charge ($\$3.50 \times .50 = \1.75) shown on Line 5 of complainant's bill. This \$1.75 debit is offset by the \$1.75 credit shown on Line 3, which comes from the Fund. It is unfortunate that defendant's notice to customers regarding a \$3.50 credit was unclear. Nevertheless, the credit was given to complainant and others similarly situated.

Complainant was permitted to supplement his testimony by a late-filed exhibit to be submitted on or before January 15, 1996. No late-filed exhibit has been submitted. The matter is ready for decision.

O R D E R

IT IS ORDERED that the relief requested in the complaint is denied.

This order is effective today.

Dated February 23, 1996, at San Francisco, California.

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