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Decision 96-10-061 October 25, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Constantino Z. Frangos,  
Complainant,

vs.

GTE California, Inc.  
Defendant.

ORIGINAL

Case 96-02-045  
(Filed February 26, 1996)

Constantino Z. Frangos, for himself,  
complainant.  
James H. McPhail, Attorney at Law, for  
GTE California, Incorporated, defendant.

O P I N I O N

Constantina Z. Frangos (Frangos) complains that GTE California, Inc.'s (GTEC) rate for its off-premises extension service is excessive and should be adjusted to eliminate the mileage portion back to January 1, 1995. The complaint is signed by more than 25 subscribers of defendant's telephone service (Rule 9(a), Rules of Practice and Procedure.)

GTEC's answer states that the rate for its off-premises extension service increased as of January 1, 1995 pursuant to Implementation Rate Design Decision (D.) 94-09-065, adopted by the Commission on September 15, 1994. Defendant's tariff, of which complaint is made, was filed as authorized by that decision.

A duly notice public hearing was held before Administrative Law Judge (ALJ) Orville I. Wright in Santa Barbara on June 18, 1996. The matter was submitted upon the filing of the transcript on July 12, 1996.

Public Hearing

At hearing, complainant presented no evidence but argued that the increase in the monthly charge for his off-premises telephone extension from \$15 to \$60 was unreasonable on its face.

Defendant introduced its authorized tariff into evidence together with the several notices of the proceeding leading to D.94-09-065 and of the rates effective January 1, 1995.

Discussion

The authorized rate for an off-premises extension was increased from \$15 to \$60 on January 1, 1995 pursuant to D.94-09-065

No evidence was presented that the authorized tariff was in error or was being misapplied.

In these circumstances, we must find that there is insufficient evidence in the record to prove that the rate complained of is excessive.

Findings of Fact

1. Complainant, together with more than 25 customers, complains that defendant's off-premises extension service rate is excessive.
2. There is insufficient evidence in the record to prove that the rate complained of is excessive.

Conclusions of Law

The complaint should be dismissed.

ORDER

IT IS ORDERED that:

1. The complaint is dismissed.
2. Complainant's deposit of \$770.00 and any other deposits made by the complainant in connection with this case shall be disbursed to GTE California, Incorporated on the effective date of this order.

3. This docket is closed.

This order is effective today.

Dated October 25, 1996, at Sacramento, California.

P. GREGORY CONLON  
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER  
Commissioners

Commissioner Daniel Wm. Fessler,  
being necessarily absent, did not  
participate.