

Decision 97-06-026 June 11, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

James Moore,

Complainant,

v.

GTE California Incorporated, and AT&T
Communications of California, Inc.,

Defendants.

ORIGINAL

(ECP)
Case 97-03-003
(Filed March 4, 1997)

James Moore, for himself, complainant.
Fred Hesse, for GTE California Incorporated,
and Jan Gil, for AT&T Communications
of California, Inc., defendants.

OPINION

Complainant seeks a reduction of approximately \$2,300 in his unpaid telephone bill of \$2,669. He asserts he did not make most of the calls for which he was billed. Defendants allege that the telephone bill is accurate and the calls were direct dialed from complainant's telephone. Public hearing was held April 14, 1997.

Complainant testified that his telephone bills show calls made to in-state telephone numbers he has never called and to telephone numbers out of state, to places he never heard of. He said he lived with his adult daughter who could not have made the calls as he keeps his room locked when he is at work. When he is home, no one uses the telephone without his knowledge. He believes he is being billed for calls that were never made from his telephone.

GTE California Incorporated's (GTE) witness testified that all calls to complainant's bill were direct dialed from the telephone. The charges in question were incurred between October 1994 and August 1995. Over that time, there were two repairs made to complainant's telephone, both minor in nature and having nothing to

do with unauthorized calls. AT&T Communications of California's (AT&T) witness testified that AT&T investigated to determine if unknown persons were using fraudulent means to access complainant's telephone; the investigation showed no indicia of fraud. It showed many of the calls were to so-called "chat lines."

The customer of the telephone company is responsible for payment of all rates and charges for calls originating at the customer's telephone. All calls billed to complainant were direct dialed from his telephone. There is no evidence of fraud or tampering or malfunctioning of defendants' equipment. No adjustment to complainant's bill is warranted.

Complainant has offered to pay the amount owed at the rate of \$100 a month. GTE's representative has accepted this offer and will reinstate blocked service upon satisfactory arrangements being made to assure current bills are paid when due.

O R D E R

IT IS ORDERED that the relief requested by complainant is denied; this case is closed.

This order is effective today.

Dated June 11, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners