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Decision 97-11-016 November 5, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Richard D. Corson, Juanita A.)
 Corson, and Richard DeWorken,)
) **Complainants,**)
) **vs.**)
 Pacific Bell Telephone)
 Company,)
) **Defendant.**)

ORIGINAL

Case 96-12-052
(Filed December 26, 1996)

Juanita Corson, for herself, complainant.
Douglas Phason, for Pacific Bell, defendant.

O P I N I O N

Background

Complainants Richard D. Corson, Juanita A. Corson, and Richard DeWorken filed this complaint on December 26, 1996, alleging that defendant Pacific Bell (Pacific) had not provided the Corsons with private line telephone service. Complainants allege a broad conspiracy to tap the Corsons' telephone lines and broadcast confidential and personal information over wireless communications such as citizen band (CB) radios. Richard De Worken is a friend of the Corsons who allegedly confirmed that their telephone lines were tapped. Complainants seek dismissal of all debts owed by the Corsons to Pacific, damages, dismissal from employment of individuals involved, and an investigation to determine whether this is a common practice of Pacific.

Defendant answered that it has checked the Corsons' service and found no tap or invasion into the privacy of their line. Pacific advised Mr. Corson to contact the United States Attorney General's office regarding allegations of government wire

taps and conspiracies. Defendant does not offer party-line service in the areas of Corsons' service; they did have private lines. Under Pacific's tariffs, the Corsons are responsible for all charges billed to them.

Hearing

A duly noticed hearing was held in King City on April 22, 1997. Complainants were represented by Juanita A. Corson.

Defendant presented the testimony of:

Kurt John Von Brauch, special investigator for Pacific's Investigative Services Department,
and

Mark Edward Williams, splicing technician.

Mrs. Corson testified that her husband, Richard D. Corson, began hearing his telephone conversations repeated over the CB radio. She knows that CBs can receive radio transmissions, but she thought the repeating of telephone conversations was coincidence. Then she and her sister would make statements on the telephone and the statements would come back over the CB. The Corsons wrote to a number of different agencies. When Pacific's repairmen came out, they didn't find anything suspicious on the line. DeWorken had a device called a privacy monitor. He stated that when a red light on the device comes on, it indicates that an extension telephone has been picked up and someone is listening in, or that the line is tapped. DeWorken told the Corsons that when he made other calls, the light was green, but when he called the Corsons, the light was red. The Corsons also obtained a privacy monitor, which they said indicated red every time they made a call. Since the Corsons had no extensions, they believed this to mean that the line was tapped. The company that made the privacy monitor confirmed that when the red light is on, the line was open and someone was listening in. Finally, Pacific informed them that service at their former residence had a bridge tap. This bridge tap was removed and should have solved their problem, but it did

not. The problems occurred too often to attribute to coincidence, in Mrs. Corson's opinion.

Von Brauch testified that the allegations were investigated and no problems were found regarding wire taps. The allegations appear to him to be matters of federal law enforcement. A letter from Mr. Corson to Pacific stated that he wants many employees of the federal government to take a polygraph test. The device Mrs. Corson called a privacy monitor is actually a line sweeper, which measures line capacity, and indicates when that capacity is exceeded. This could occur because of extension phones or taps of various types. The device can also be triggered by excess copper wire on a residential loop.

Williams testified that after several service calls to the Corsons' home, a tap of a "left-in-line" type was found and corrected. This type of tap results when the company activates new service using a line that had been previously used for another premise, but was never disconnected.

Williams also found a trouble area where two underground cable repairs were crossed and touching. This also was corrected.

Pacific does not offer party-line service in the areas of the Corsons' disputed services.

The telephone service on both of the Corson lines was disconnected for failure to pay after payment arrangements were made but not adhered to by the Corsons. Telephone number 408-674-5032 has a balance due of \$522.21, and telephone number 805-472-9138 has a balance due of \$222.65. Past due amounts on two accounts are due to the first account being under Mr. Corson's name, while the second was established under Mrs. Corson's name. Pacific had no knowledge that the Corsons were protesting the earlier amount and Mrs. Corson did not give Pacific any information about the other account. Apparently Mr. Corson protested the earlier bill, alleging a party line or tapped service. Both accounts subsequently were referred to a collection agency.

The case was submitted upon receipt of transcript on June 2, 1997.

Discussion

Complainants argue that the Corsons were not provided with private line telephone service, and they allege a broad conspiracy. They called Pacific a number of times to come out and check the facilities. Finally Pacific did find a left-in-line tap, which could cause the red light on the Corsons' privacy monitor to activate.

The Corsons seek to make this complaint the nucleus of major investigation. The more than 80 pages of letters attached to the complaint present their belief in a conspiracy. Yet the allegations lack evidence. In any event, the Commission is not the responsible agency to deal with conspiracies. That issue must be pursued with responsible law enforcement agency.

The Commission concerns itself with taps only to the extent of determining whether they interfered with or resulted in lack of private line telephone service to the Corsons. The Corsons and DeWorken base their proof of wiretaps on the privacy monitor. The indications of taps appears to be due to the left-in-line tap. This fact does not support the claim that Corsons did not have private line service, since there is no evidence that anyone either knew of, had access to, or used the left-in-line tap.

We find that complainants have not met their burden of proof regarding their claim that Pacific did not provide private telephone service to numbers 408-674-5032 or 805-472-9138. Pacific also showed that it does not offer party-line service in the areas of Corsons' former services. We conclude that the telephone services provided to the Corsons on both prior numbers were private line services. Thus we will deny this portion of the complaint.

The complaint also asks for a complete dismissal of all debts. Complainants owe substantial past-due amounts on both Pacific accounts. Since there is no evidence that the charges were

not in accordance with Pacific's authorized tariffs, there is no basis for dismissing the charges, and we will deny that request.

Complainants also seek damages. Although the basis is unclear, any claim for damages should be sought in a court of competent jurisdiction.

Complainants also request an investigation of defendant to determine if this is a widespread problem. Since we find that Pacific operated in accordance with its approved tariffs, we see no reason to justify an investigation into its practices.

Similarly, there is no basis for considering any wrongdoing by Pacific employees in this case.

The complaint lacks merit, and we deny it in the order that follows.

Findings of Fact

1. Complainants allege that Pacific did not provide private line telephone service on telephone numbers 408-674-5032 and 805-472-9138.

2. Pacific found a left-in-line tap on the Corsons' line.

3. There is no evidence that the left-in-line tap was used by another party.

4. There is no evidence that the services provided to Corsons were not private line telephone services provided in accordance with the approved tariffs.

5. After service was terminated on the account in Mr. Corson's name, Mrs. Corson established service in her name using her credit information, without informing Pacific of the other delinquent Corsons' account.

6. Service was terminated on both accounts according to approved tariffs due to delinquent amounts due Pacific.

7. The Corsons currently owe substantial past-due amounts on both of their inactive Pacific accounts.

8. Damage claims by complainants must be pursued in a court of competent jurisdiction.

9. There is no reason to commence an investigation into defendant's business practices based on this complaint.

Conclusions of Law

1. The complaint has no merit and should be dismissed, and the relief therein is denied.

2. The Corsons are responsible for all charges rendered by Pacific.

3. This case should be closed.

ORDER

IT IS ORDERED that:

1. The complaint in Case 96-12-052 is denied.

2. This case is closed.

This order is effective today.

Dated November 5, 1997, at San Francisco, California.

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