

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED

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Wallace B. Roberts,

Complainant,

vs.

Cox California Telecom (U5684C) and
Pacific Bell Telephone Company, dba
AT&T California (U1001C)

Defendant.

Case No. 11-01-006

**ANSWER OF PACIFIC BELL TELEPHONE COMPANY (U 1001 C)
TO COMPLAINT**

Pacific Bell Telephone Company ("AT&T California"), files this Answer to the above-captioned Complaint filed with the California Public Utilities Commission ("Commission") by Mr. Roberts ("Complainant") on January 10, 2011, and served on AT&T California on January 19, 2011.

I. SUMMARY OF ANSWER

Complainant alleges that when he dials "*67" followed by the telephone number for Cox California Telecom's ("Cox") local business office, the Cox automatic answering system reads back his telephone number to him. By dialing *67 before a telephone number being called, the customer can block his or her number, on a per-call basis, from appearing on someone else's caller display. Accordingly, the service

is called "per-call blocking." Mr. Roberts's Complaint does not indicate that *67 is not working for calls to telephone numbers other than for Cox's business office.

AT&T California has tested Mr. Roberts's telephone line. When *67 is dialed prior to a telephone number, AT&T California's switch is properly activating the privacy indicator on the outgoing call. This is true even when *67 is dialed prior to dialing Cox's business office. In other words, AT&T California's *67 service is functioning properly. The Complaint should be dismissed, at least with respect to AT&T California.

II. ANSWER

The allegations in the Complaint are set forth in Section (F) of the Complaint. AT&T California addresses below the material allegations in Section (F).

Answering the allegation in the first sentence of Section (F), AT&T California lacks sufficient information and belief concerning the allegation and, on that basis, denies the allegation.

Answering the allegation in the second sentence of Section (F), AT&T California denies the allegation based on lack of sufficient information and belief, and avers that AT&T California's switch is appropriately activating the privacy indicator on calls placed over Complainant's telephone line when *67 is dialed before the telephone number.

Answering the allegations in the third and fourth sentences in Section (F), AT&T California denies the allegations as to AT&T.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Complaint is vague and fails to comply with Commission Rule of Practice and Procedure 4.2(a), which requires that “[t]he complaint shall be so drawn as to completely advise the defendant and the Commission of the facts constituting the grounds of the complaint, the injury complained of, and the exact relief which is desired.” The Complaint fails to specifically identify legally cognizable injury or relief.

Second Affirmative Defense

Certain of Complainant’s claims may be barred by the applicable statutes of limitations, including but not limited to, the limitation set forth in Public Utilities Code section 735.

III. COMMENTS ON PROCEDURAL ISSUES

Categorization: AT&T California agrees that this proceeding should be categorized as adjudicatory.

Hearings: Hearings are unnecessary because the Complaint fails to state a claim against AT&T upon which relief may be granted.

Issues: The “issues” identified by Complainant are instead allegations. AT&T California proposes instead that the following issues be considered by the Commission:

1. Whether or not AT&T California is appropriately activating the privacy indicator on calls placed over Complainant’s telephone line when *67 is dialed before the telephone number.

2. Whether or not Cox's is disregarding the privacy indicator placed on calls over Mr. Roberts's telephone line.
3. Whether or not Complainant is entitled to any relief.

IV. DEFENDANT

Defendant avers that its full name and address is Pacific Bell Telephone Company d/b/a AT&T California, 525 Market Street, 18th Floor, San Francisco, CA 94105.

WHEREFORE, AT&T California denies that Complainant is entitled to the relief sought, or any other relief, and respectfully requests that the Complaint be dismissed with prejudice.

Dated: February 18, 2011

Respectfully submitted,

By _____ /s/
Gregory L. Castle

AT&T Services Inc.
525 Market Street, 20th Floor
San Francisco, CA 94105
Tel #: 415-778-1487
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Attorney for Pacific Bell Telephone Company

VERIFICATION

Rhonda J. Johnson, under penalty of perjury, certifies as follows:

I am an officer, to wit, Vice President–Regulatory Affairs of Pacific Bell Telephone Company, a corporation doing business in California as AT&T California, and make this verification for and on behalf of said corporation. I have read the foregoing **ANSWER OF PACIFIC BELL TELEPHONE COMPANY (U 1001 C) TO COMPLAINT**, and the contents thereof, and the facts therein stated are true to the best of my knowledge, information and belief.

Dated at San Francisco, California this 18th day of February 2011.

_____/s/
Rhonda J. Johnson
Vice President–Regulatory Affairs
Pacific Bell Telephone Company, d/b/a AT&T California

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a copy of the foregoing document,
**“ANSWER OF PACIFIC BELL TELEPHONE COMPANY (U 1001 C) TO
COMPLAINT”** in C.11-01-006 to be served by electronic mail, and/or hand delivery, to
all persons in the current Service List.

Executed at San Francisco, California on the 18th day of February 2011.

/s/

Linda Cheng
AT&T Services, Inc.
525 Market Street, 20th Floor
San Francisco, CA 94105

CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

Proceeding: C1101006 - ROBERTS VS COX CALIF

Filer: Wallace B. Roberts

List Name: LIST

Last changed: January 19, 2011

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