

ALJ/RAB/avs

Decision 01-03-040 March 15, 2001

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Jacalyn Horton,

Complainant,

vs.

Pacific Bell (U 1001 C),

Defendant.

(ECP)  
Case 00-12-028  
(Filed December 14, 2000)

Jacalyn Horton, for herself, complainant.  
Douglas Phason, for Pacific Bell Telephone  
Company, defendant.

**O P I N I O N**

Complainant alleges that Pacific Bell Telephone Company (Pacific) overbilled her for telephone services since mid-year 2000, disrupted her service, refused to provide service, failed to provide credits, failed to return telephone calls made to Pacific's business office, answered her inquiries in a rude manner, lied to her, and failed to remove information regarding her 1998 bankruptcy from Pacific's files. Complaint seeks \$3,000 in damages. Pacific denies the allegations.

Public hearing was held January 26, 2001.

During 2000, Complainant had multiple telephone accounts on the same telephone number, (619) 443-4295-029, (619) 443-4295-881 and (619) 443-4295-224.<sup>1</sup> When Complainant placed an order to terminate her Remote Call Forwarding service on a different number, Pacific discovered and advised Complainant that she had outstanding final balances on accounts (619) 443-4295-881 and (619) 443-4295-224 totaling \$650.24. Pacific informed Complainant that her current service was subject to disconnection if the final balances were not paid.<sup>2</sup> In addition, Pacific advised Complainant that a 15-day notice of disconnection would be sent. On December 1, 2000, at Complainant's request, the final balances were transferred to account (619) 443-4295-029 in order to avoid further collection activity.

Complaint testified that since April 2000, she has been having trouble getting Pacific to activate her service promptly and to render an accurate bill. She said that when she called Pacific's customer service the representatives often were rude, refused to give information, and failed to return calls when promised.

Pacific's witness testified that Pacific tries to be responsive to its customer and respond promptly to complaints. However, when Complainant called, Complainant was rude and refused to acknowledge that she had current bills past due.

This case arose because, when Complainant sought changes in service, Pacific sought to collect bills it believed Complainant owed, while Complainant

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<sup>1</sup> The last three digits appended to the telephone number reflect separate enhanced services.

<sup>2</sup> See Schedule Cal. P.U.C. No. A2.1.11.2.d. This tariff authorizes Pacific to temporarily or permanently discontinue service for nonpayment of former or concurrent service for the same class of service.

denied the debt. Complainant made numerous calls to Pacific's business office in an attempt to resolve the matter in her favor and voices were raised on both ends of the telephone calls. Two things are clear: Complainant owes \$650.24 to Pacific and both sides were rude to each other on the telephone.

Pacific has not violated its tariffs. This Commission has no jurisdiction to award general damages.

**O R D E R**

**IT IS ORDERED** that:

1. The relief requested in the complaint is denied.
2. This case is closed.

This order is effective today.

Dated March 15, 2001, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
RICHARD A. BILAS  
CARL W. WOOD  
GEOFFREY F. BROWN  
Commissioners