

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



FILED

12-06-10
02:03 PM

Clarence Anthony Bush, Ph.D. and
Marciana F. Bush,
Complainants

(ECP)

C1012002

vs.

Case (C.). _____

Pacific Bell Telephone Company dba AT&T
California, (U1001C),

Defendant

COMPLAINT
(Rule 4.5)

COMPLAINANTS	DEFENDANT
Clarence Anthony Bush, Ph.D. and Marciana F. Bush, 45192 Millwood Drive Orosi, CA 93647 Phone (301) 237-1109 Email: Clarence.bush@fcc.gov	Pacific Bell Telephone Company, dba AT&T California (U1001C), Attn: Eric Batongbacal, Executive Director - Regulatory 525 Market St., Room 1944 San Francisco CA 94105 Phone (415) 778-1299 Email: eb1642@att.com

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(A) Clarence Anthony Bush, Ph.D.
&
Marciana F. Bush

Case Number _____
(for Commission use only)

COMPLAINANT(S)

vs.

AT&T

(B)

DEFENDANT(S)

(Include Utility "U-Number", if known)

(C)

Have you tried to resolve this matter informally with the Commission's Consumer Affairs staff?

YES NO

Has staff responded to your complaint?

YES NO

Did you appeal to the Consumer Affairs Manager?

YES NO

Do you have money on deposit with the Commission?

YES NO

Amount \$ _____

Is your service now disconnected?

YES NO

COMPLAINT

(D)

The complaint of (Provide name, address and phone number for each complainant)

Name of Complainant(s)	Address	Daytime Phone Number
Clarence Anthony Bush, Ph.D.	45192 Millwood Drive Croisi CA 93647	(301) 237-1109 (202) 418-1875
Marciana F Bush	45192 Millwood Drive Croisi CA 93647	(301) 237-1109 cell
Clarence Anthony Bush, Ph.D.	also at 626 Bermington Drive silver Spring, MD 20910	(301) 523-6015 cell

respectfully shows that:

(E)

Defendant(s) (Provide name, address and phone number for each defendant)

Name of Defendant(s)	Address	Daytime Phone Number
AT&T	AT&T Payment Center Sacramento CA 95887-0001	1800 288 2020

RECEIVED
 PUBLIC UTILITIES
 STATE OF CALIFORNIA
 2010 APR -8 PM 1:18
 DOCKET OFFICE (MAIL)

(F)

Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)

AT&T provided inadequate or essentially non-working telephone service.
Please see Attached.

(G) Scoping Memo Information (Rule 4.2(a))

(1) The proposed category for the Complaint is (check one):

adjudicatory (most complaints are adjudicatory unless they challenge the reasonableness of rates)

ratesetting (check this box if your complaint challenges the reasonableness of a rates) Telephone plant does not support local rates.

(2) Are hearings needed, (are there facts in dispute)? YES NO

(3) Regular Complaint Expedited Complaint

(4) The issues to be considered are (Example: The utility should refund the overbilled amount of \$78.00):

The utility should demonstrate the existence of telephone facilities that serve the rural Orosi, California Community. Because there are no wireless facilities for residents on Millwood drive. AT&T wire facilities are lifeline or emergency facilities. The facilities are wholly inadequate. Please see Attached.

(5) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory)

or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: Approximately 30 to 40 days from the date of filing of the Complaint.

Hearing: Approximately 50 to 70 days from the date of filing of the Complaint.

Prehearing Conference (Example: 6/1/09):	
Hearing (Example: 7/1/09)	

Explain here if you propose a schedule different from the above guidelines.

(H)

Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

I request that adequate telephone facilities are constructed by a Carrier to serve the rural Orosi Community. I also request a total refund of payments made to AT&T over the span of my service.

(I)

OPTIONAL: I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail (e-mail). My/our e-mail address(es) is/are:

anthony.bush@starpower.net (work) clarence.bush@fcc.gov

(J)

Dated Orosi, California, this 6th day of April, 2010
(City) (date) (month) (year)

and Silver Spring, MD

Clarence Anthony Bush, Ph.D.
Signature of each complainant

(MUST ALSO SIGN VERIFICATION AND PRIVACY NOTICE)

(K)

REPRESENTATIVE'S INFORMATION:

Provide name, address, telephone number, e-mail address (if consents to notifications by email), and signature of representative, if any.

Name of Representative:	Marciana F. Silagan Bush
Address:	45192 Millwood Drive Crossi CA 93647
Telephone Number:	(305) 237-1109
Email:	
Signature	

VERIFICATION
(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(L)

Executed on April 6, 2010 , at Orosi , California
(date) (City)
Silver Springs, Maryland
Clarence Anthony Beck, Ph.D.
(Complainant Signature)

VERIFICATION
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(M)

Executed on _____ , at _____ , California
(date) (City)

Signature of Officer

Title

(N) **NUMBER OF COPIES NEEDED FOR FILING:**

FILE the original complaint plus 6 copies, plus 1 copy for each named defendant, with the Commission. Total of eight (8) copies altogether for one defendant.

(O) MAIL TO: California Public Utilities Commission
Attn: Docket Office
505 Van Ness Avenue, Room 2001
San Francisco, CA 94102

April 6, 2010

Clarence Anthony Bush, Ph.D.
45192 Millwood Drive
Orosi, California 93647
Tel: 559-564-3726
Cell: 301-237-1109
Or
626 Bennington Drive
Silver Spring, MD 20910

California Public utilities Commission
Attn: Docket Office
505 van Ness Avenue, Room 2001
San Francisco, CA 94102

Dear Mr. or Ms.,

Below is my response to Question 5 of FCC Form 2000B –Billing, Privacy, or Service Quality Complaint.

In August 2009 my family moved into our new home at 45192 Millwood Drive Orosi, California 93647. The property is in a very rural area of Tulare County. Because my son has a heart condition, I informed AT&T that I needed very reliable service. From the time of the order for telephone service until I terminated service in March 2010, the service was unreliable and essentially did not work. From August 2009 through most of March 2010, we basically could not make or receive telephone calls. Moreover, in February 2010, AT&T claimed and billed for information calls (“411”) that were not made. According to Marciana F. Silagan Bush who is my wife and who live at the property, our telephone service did not work throughout the entire month of February 2010.

Mr. Joe Evans, who is my neighbor and lives at 44650 Millwood Drive Orosi, California 93747, photographed the facilities that AT&T used to provide my family and his family telephone service. Copies of the photographs are attached. The photographs were taken on January 31, 2010. They show that, at a minimum, AT&T has provided poor service and that AT&T payments from the Universal Service Fund for my area of California are possibly unsupported, e.g., critical plant for service does not exist.

I request that AT&T provide adequate telephone service in our area. For our area wireless service is not available. The area is not build-out for wireless service. Therefore, AT&T's wireline service is a lifeline service. Finally, I request that AT&T refund all payments that were made from August 2009 through the March 2010 which was the month that I terminated service.

Sincerely,

A handwritten signature in blue ink that reads "Clarence Anthony Bush, Ph.D." The signature is written in a cursive style.

Clarence Anthony Bush, Ph.D.

April 6, 2010 Complaint

Clarence Anthony Bush, Ph.D.
Photo copies of telephone
plant that serves
45192 Millwood Drive
Orosi CA 93647.

Photo Graphs by Joe Evans
of 44650 Millwood Drive
Orosi, CA 93647

Photographs taken January 31, 2010















