

Decision 01-02-070 February 22, 2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Henry N. Addington,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

(ECP)

Case 00-08-023

(Filed August 16, 2000)

Henry N. Addington, for himself, complainant.

Adrian Tyler, for Pacific Bell Telephone
Company, defendant.

O P I N I O N

Henry Addington (Complainant) alleges that Pacific Bell Telephone Company (Pacific) has violated various laws while providing him Digital Subscriber Line (DSL) service and denying him Universal Lifeline Telephone Service (Lifeline Service). Pacific denies the allegations. Public hearing was held October 13, 2000.

Complainant testified that he purchased DSL service from Pacific and as a consequence Pacific charged him higher rates for Lifeline Service than allowed by its tariffs. He seeks a refund and an order that Pacific provide him Lifeline service and DSL service.

Pacific's witness testified that Pacific's records show that, when Complainant inquired about, and subsequently ordered, DSL service on June 24, 1999, Pacific's representatives informed Complainant that, if he wanted to order DSL, his class of service would be regraded from Lifeline service to the regular tariffed rate for his basic service. Complainant agreed to those terms when he ordered DSL service on May 17, 1999, June 29, 1999, and April 20, 2000. Because Complainant agreed to the regrading of his service to regular basic service, he was no longer a Lifeline service customer and, as a result, was charged for regular flat-rate residential service, which meant that his local service increased from \$5.69 to \$10.69, as provided by Pacific's tariffs. As of July 20, 2000, Pacific's tariff was changed so that DSL service could be combined with Lifeline service.

Prior to July 20, 2000, Complainant received DSL service and basic telephone service at Pacific's tariffed rates. He is not entitled to a refund. Complainant now receives DSL service and Lifeline service; therefore, his complaint has been satisfied and should be dismissed.

O R D E R

IT IS ORDERED that this complaint is dismissed and this case is closed.

This order is effective today.

Dated February 22, 2001, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

RICHARD A. BILAS

CARL W. WOOD

GEOFFREY F. BROWN

Commissioners