

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

BETTY JANE MAJORS, et al,) FORMAL COMPLAINT NO. 1079
Osceola, Nebraska,)
)
Complainant,) COMPLAINT SUSTAINED
)
vs.)
)
THE LINCOLN TELEPHONE AND)
TELEGRAPH COMPANY, Lincoln,)
Nebraska,)
)
Defendant.)
) Entered July 3, 1974

APPEARANCES:

Paul Hanson,
Attorney-at-Law
Osceola, Nebraska
Appearing for Complainants.

Allen Overcash
Attorney-at-Law
1241 "N" Street
Lincoln, Nebraska
Appearing for Defendant.

BY THE COMMISSION:

OPINION AND FINDINGS

By complaint filed November 28, 1973, Betty Jane Majors, et al, Osceola, Nebraska, charged the Lincoln Telephone and Telegraph Company (hereinafter referred to as LTT), Lincoln, Nebraska, with providing inadequate telephone service.

A copy of the said complaint was served on the Defendant on December 5, 1973, by certified mail. Pursuant to the rules and regulations of this Commission, the Defendant filed a Statement of Satisfaction on December 18, 1973. Acceptance of said Statement having not been filed, the Defendant then filed its Answer to said Complaint on December 28, 1973.

On January 25, 1974, the Secretary of this Commission sent a letter by certified mail to all parties interested in this proceeding, giving them notice that the matter had been set for hearing on February 14, 1974 at 10:00 a.m. in the American Legion Hall, Osceola, Nebraska.

Hearing was held on said date before the Honorable Eric Rasmussen, Commissioner, Fourth District. Appearances were made by Paul Hanson, Attorney, Osceola, Nebraska, appearing for the Complainants; and by Allen Overcash, Attorney, Lincoln, Nebraska, appearing for the Defendant.

Complainants in the proceeding are individuals and businesses located in and around Osceola, Nebraska, and are subscribers of the Osceola Exchange operated by the Defendant, LTT.

Defendant, LTT, is a common carrier engaged in providing local and long distance transmission of messages between points in the State of Nebraska, and as such is subject to the jurisdiction of this Commission. Chapter 75, Article 1, Neb. Rev. Stat. (Supp. 1973).

For their cause of action, Complainants alleged several items, namely that at various times all telephones in Osceola are dead, that direct distance dialing is inadequate, that phones do not ring at receivers end, that private telephones are not private, that occasionally wrong information is given by the Defendant's operators, and that long distance calls suffer from disconnection and poor connection.

To substantiate their allegations, Complainants called some 23 witnesses and submitted nine Exhibits. To recount their testimony and Exhibit material individually and in total would be unnecessarily lengthy and repetitious for purposes of this Order. The testimony of Betty Majors suffices as being representative of the problems encountered by each of those witnesses testifying. Mrs. Majors recounted specific dates and times when her phone was dead, where rural and private lines were crossed, where direct distance dialing failed, where complaints were made and trouble reported but nothing was done to remove the problem, where businesses and professional people either lost jobs or business, where in emergency situations either numerous calls were required or calls for aid simply failed because of malfunction in the system, where Defendant's operators were discourteous and gave misinformation as to the listing of numbers, and where the survey taken by the Defendant reflected inaccurately the sentiments of the people in the area.

Cross-examination of Mrs. Majors and the respective witnesses revealed that they had on some occasions reported the troubles they had encountered but that they had arrived at the point where they felt that reporting the troubles did little to solve their problems. The suggestion was made that the subscribers go beyond the normal trouble reporting system and correspond directly with the upper echelons of management within the company framework. Suffice it to say that such a system would be questionable as to efficiency and expedition of solving the trouble. However, the present system employed by the Company, or any other Company for that matter, is a system designed to remedy those troubles which arise. Such system is, or should be, workable and produce results. If it does not produce such results, it should be examined and revised accordingly to accomplish this end. Cross-examination of the witnesses left uncontroverted the fact that telephone service for this area is for the most part inadequate.

Defendant presented one witness, Mr. Lyle Reighard, General Commercial Supervisor for the Lincoln Telephone and Telegraph Company. Mr. Reighard's testimony reflected that service problems existed and that the company did not deny the complaints that had been made. (T. 152: 3-6; T. 165: 12-13; T. 219: 8-12) As to adequacy of service, Mr. Reighard testified that from the standpoint of being a telephone user, the service was obviously inadequate. (T. 174: 3-12) And that there were areas where service was not what it should be. (T. 156: 9-12)

Much testimony in the way of service standards was given by Mr. Reighard and it was shown that the Defendant did not meet the standards in the area of trouble reports (T. 206: 10-22; T. 209: 1-8) and in the area of operator answer time (T. 172: 20-25; T. 173: 1-3, 25; T. 174: 1-2, 10-12). These areas are highly significant in that trouble reporting goes directly to the problem solving aspects of the system and directly to the maintenance program of the system. The operator answer time goes directly to the Direct Distance Dialing problems and also directly to Operator Assistance when toll calls are involved. As such this Commission is highly concerned with these areas.

Independent investigation by the Engineering Staff of this Commission indicates that the company has reacted to the complaints and has taken steps to remedy the problems encountered by the telephone subscribers in the Osceola Exchange. Equipment has been ordered and/or installed and in the opinion of the Staff said equipment will, in many cases, adequately meet the needs of the subscribers. The company has planned for upgrading to 1 and 4-party buried service in 1978 and a new central office in 1979. In the opinion of the Staff the addition of large amounts of equipment at this time would be a mistake on the Defendant's part, since the equipment would be there for only a short amount of time. More than sufficient line finders have been installed which will meet standards with regard to dial tones and the new T-Carrier will provide more reliable long distance service. This new equipment and the present equipment are capable of giving adequate service if scheduled and daily routine maintenance is performed in relation to the age of the equipment. Further, surveillance by way of studies and service observations must be made in order that the service will not fall to the same levels indicated at the hearing. Investigation further revealed that no facilities are present in the central office at Osceola to control the environment. This is significant in that dust, temperature and humidity effect telephone equipment and telephone service and can have a serious impact on the quality of the service provided.

It is mandated by the rules and regulations of this Commission that each telephone company shall provide adequate service. (Chapter V, Telephones, Section 2) The object and purpose of Commission control in this area is to secure adequate and sustained service to the public at the lowest cost. Northwestern Bell Telephone Company v. Consolidated Telephone Company, 180 Neb. 268 (1966). Bearing this duty in mind, the evidence adduced at the hearing, and being fully advised in the premises, this Commission is of the opinion and finds:

1. That the service provided to the subscribers of the Osceola, Nebraska Exchange by the Lincoln Telephone and Telegraph Company at the time of the hearing was inadequate.
2. That the representative of the Lincoln Telephone and Telegraph Company conceded at the hearing that the service in the Osceola Exchange was not adequate.
3. That environmental control facilities are non-existent in the Osceola Exchange.
4. That the equipment presently in service in the Osceola Exchange is adequate to meet the needs of the subscribers in the Exchange provided scheduled and daily routine maintenance is performed on said equipment.
5. That the indices for trouble reports and operator answer time did not at the time of the hearing measure up to Commission standards in this area.
6. That since the hearing, the Defendant has taken steps to remedy the problems encountered by the subscribers in the Osceola Exchange.
7. That effective this 8th day of July, 1974, this Complaint should be sustained.

O R D E R

IT IS, THEREFORE, ORDERED, that the Company file monthly trouble reports for the Osceola Exchange on a summary basis and a summary of the number of man-hours spent on the scheduled and daily routine maintenance in the areas of outside plant and central office equipment and,

IT IS FURTHER ORDERED that the Company file monthly reports for operator handled calls which indicate the percent completed in 10 seconds or less, and that a study of the Company's procedures regarding assigning of operators as the calling load increases has been made to determine if the procedures are adequate and,

IT IS FURTHER ORDERED that the Company provide this Commission with monthly reports showing Direct Distance Dialing completion rates and also their program for improving Direct Distance Dialing completion rates.

IT IS FURTHER ORDERED that any future studies that the Company performs with regard to Direct Distance Dialing percentage completion rates include those calls which receive ring-back tone or 60 IPM busy condition as completed calls so that a determination can be made as to how many calls are recorded as incomplete due to equipment failure and,

IT IS FURTHER ORDERED that within 60 days of the date of this Order, the Company furnish this Commission the steps it has taken to control the environment within the Osceola Central Office and,

IT IS FURTHER ORDERED that the Company continue the self-initiated steps heretofore taken to solve the problems in the Osceola Exchange.

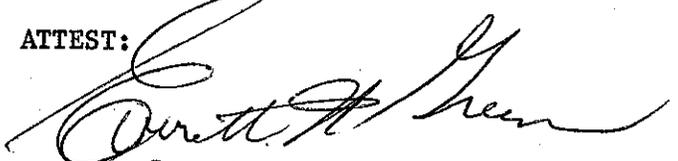
IT IS FURTHER ORDERED that the monthly reports required to be filed by this Order shall be filed each month for the following consecutive six (6) months from the date of this Order.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of July, 1974.

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Secretary

COMMISSIONERS CONCURRING: