

# The Daily Tar Heel

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## Phone company sued by law student

by Linda Livengood  
Staff Writer

The Chapel Hill Telephone Company has been named a defendant in a \$100,000 civil suit claiming the company uses illegal billing practices when billing long distance calls to customers.

The complaint was filed in the General Court of Justice in the Superior Court Division by Howard T. Chatterton, a UNC law student, of 704 Williams Circle, Chapel Hill. The suit alleges that Robert Peak of the Chapel Hill Telephone Company informed Chatterton that the company has "at the end of each month a substantial pool of long distance calls with no subscriber to be billed because of mechanical error or human error or contrivance."

According to Chatterton's account, Peak explained that "these calls were assigned at random to various subscribers' accounts solely on the basis of their previous long distance calling patterns."

The complaint charges that the telephone company uses this practice "notwithstanding the

face that no legal justification exists for such a billing practice since Defendant (the telephone company) has no way of knowing who in fact made the unassigned calls."

According to the complaint, Chatterton brought this action on his own behalf and as a class action on behalf of other similarly situated who are now subscribing or who have subscribed as customers to the telephone services of the Chapel Hill Telephone Company at any time since Sept. 10, 1970.

Chatterton's complaint resulted from the telephone bill he received on July 5, 1973. He noticed that numerous charges for calls he had not made were included among other charges on the bill.

Chatterton claimed that he made 20 attempts to reach a service representative on July 5 and received a busy signal on each attempt.

According to his complaint, Chatterton then attempted to reach Grey Culbreth, communications consultant for the University of North Carolina. Chatterton said he tried to contact Culbreth because the University "is

widely believed to be the owner of and the institution responsible for the Defendant's operation."

A secretary then informed Chatterton that he should contact a Mr. Cox because he was responsible for the operation of the telephone company. She gave Chatterton Cox's telephone number.

Chatterton then became upset because Cox's number was the number Chatterton had tried to reach on the 20 previous attempts. Culbreth's secretary said she would attempt to have a service representative reach Chatterton that Chatterton. Chatterton said he was not called.

On July 7, 1973, Chatterton again attempted to reach a service representative of the telephone company. The complaint states that "following 15 minutes of repeated rings, Plaintiff's (Chatterton's) call was answered by an afternoon. According to Chatterton, no representative called him."

Chatterton again contacted Culbreth. According to Chatterton, Culbreth said he would have a service representative contact

unidentified person who informed Plaintiff that all the service representatives were busy and that seven other parties were holding ahead of Plaintiff to speak to such representatives." Chatterton said he waited 45 minutes and terminated the call.

Chatterton then called Cox who referred Chatterton to Peak. Chatterton said he was informed by Cox that Peak was in charge of the telephone company's accounting systems.

Chatterton then called Peak who allegedly informed Chatterton of the company's billing procedures. Chatterton told Peak "that he had not placed calls even to the areas of most of the erroneously billed long distance calls."

According to Chatterton, Peak then replied that "the system was not highly reliable."

Chatterton said that Peak transferred Chatterton's call to a service representative who told Chatterton that he would have to appear in her office personally since handling complaints such as his by phone was too time-consuming.

Later that afternoon, Chatterton delivered a

list of the disputed charges to the telephone company's front desk employee who promised to deliver it to a service representative.

Chatterton heard nothing from this appearance until July 13 when he called a service representative. Chatterton was told there was no record of the information he had delivered to the desk employee.

According to the complaint, on July 24, 1973, Chatterton paid the full bill he received on July 5.

"The Plaintiff is informed and does believe that many others of the Plaintiff class have been misled by Defendant's billing practices and/or coerced by Defendant's bureaucratic inefficiency and have paid charges for which they were under no legal obligation."

Cox was unavailable for comment. Peak declined to comment on Chatterton's charges. Culbreth denied the charges and declined further comment.

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## Ervin here for speech

"Country lawyer" Sen. Sam Ervin, Jr., chairman of the Senate Select Committee on Presidential Campaign Activities, will speak at 8 p.m. tonight in Carmichael Auditorium.

The senator is the first guest in the 1973-74 Carolina Forum series. Admission is on a first-come, first-served basis.

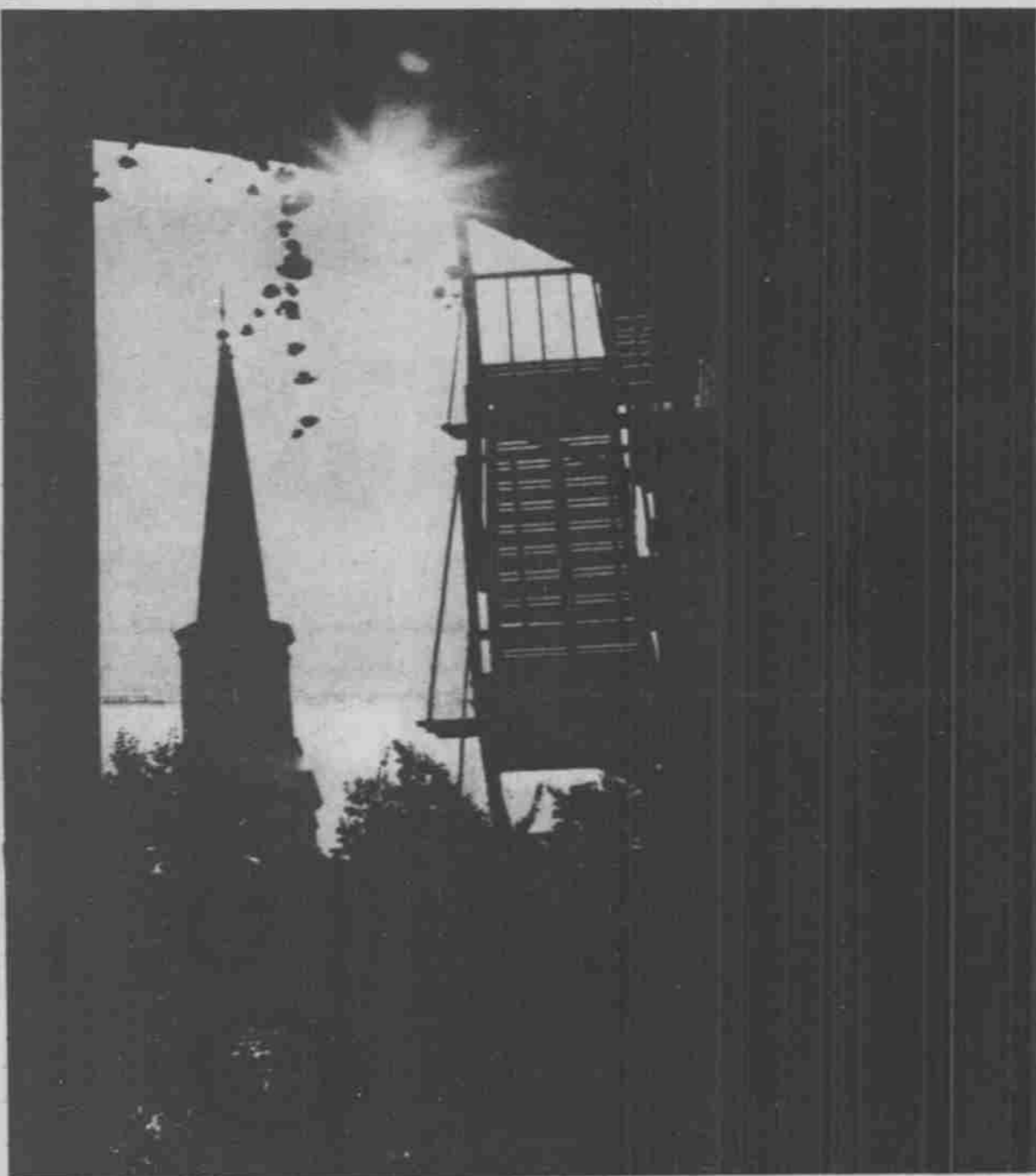
Ervin presently heads the Senate Judiciary Sub-Committee on Constitutional Rights and the Government Operations Committee, in addition to his duties on the select committee.

The staunch constitutionalist has been a political enigma for all of his 20 Senate years. While a strong civil libertarian and protector of individual privacy, Ervin has opposed virtually every civil rights bill in Congress, supported big business over labor and maintained a hawkish position on Vietnam.

Ervin opposed the controversial 1970 D.C. crime bill, which provided for "no-knock" wiretapping and preventative detention, calling it "a garbage pail of some of the most repressive, intolerant, unfair and vindictive legislation that the Senate has ever presented."

As a freshman senator in 1954, he led the Senate fight to censure Sen. Joseph McCarthy's Communist "witch hunt."

A member of the North Carolina Bar and a former law student at Chapel Hill, Ervin spent three scattered terms as a state legislator and 11 years as a state Supreme Court justice before being appointed to finish the term of Sen. Clyde Hoey of Shelby in 1954.



For those who have the courage to get up early in the morning, Chapel Hill can be a most beautiful place. The sun rises over the trees and the NCNB plaza to illuminate the dark alleys and stairways of the town. (Staff photo by John Locher)

## Aldermen discuss problems of noise

by Diane King  
Staff Writer

The noise of recent fraternity parties and weekend celebrations resulted in some action and much hilarity at the meeting of the Chapel Hill Board of Aldermen Monday night.

Alderman Ross Scroggs asked the board to consider the problem of noise.

"As you all know, we have had three very noisy weekends," he said. "We've been working for two years on noise control and

we're now on our third ordinance, and as far as I can tell the town is noisier than ever."

Several of the aldermen and the mayor commented that they had heard the noise of outdoor amplified bands at their homes, and had been awakened by sleepy citizens who called to complain.

Scroggs said he had been called by his constituents when complaints to the Police Department did not stop the noise.

"The complaints are rising, and we're getting little or no help from the Police Department," Scroggs said. "If we have to send the Police Department an engraved invitation to enforce the ordinance, I'll be glad to engrave it."

Organization that plan to have a live band are required by city law to obtain a permit. According to the ordinance, the police who investigate a complaint must first warn the offenders to reduce the noise level.

Police Chief William Blake said that the charges made by the board were unfounded.

"This weekend we responded to all the complaints and revoked permits at five fraternities," he said. "I thought we handled it pretty well."

"We had several calls and Saturday night is real busy around here," he added. "If we have an emergency call, we have to respond to it before we can respond to a noise complaint."

Alderman R. D. Smith added that the noise of amplified bands is not the only noise problem in the village.

"There are other kinds of noise that disturb the peace of our town, and I'm talking about the noise of loud mufflers and dogs," he said.

"I think the time has come when we're going to have to enact a total community leash law," Mayor Lee agreed. "There will be some recommendations concerning this on the agenda of our Oct. 1 meeting."

## Chapel Hill beef prices reflect the national trend

by Nancy Kochuk  
and  
Stella Shelton  
Staff Writers

Meat prices in Chapel Hill have leveled off in the past week, reflecting the national trend of stabilized prices since the ceiling on beef was lifted Sept. 10.

In a survey of nine grocery stores in the Chapel Hill-Carrboro area, the DTH found that meat prices in all but one store had not risen over the past week. The Sept. 25 survey included price comparisons of ground beef, chicken and pork chops.

Meat department managers of the local stores were generally optimistic about the outlook for meat prices. Most indicated a belief that prices would rise no higher in the next few months.

## Skylab crew returns; two-month journey ends

America's Skylab II astronauts returned to earth Tuesday night, ending man's longest journey into outer space.

Alan L. Bean, Owen K. Garriott and Jack R. Lousma brought their Apollo command ship to a pinpoint splashdown into the Pacific Ocean 224 miles off San Diego. There was the closest splashdown to land in the history of the American space program.

The astronauts spent a world record 59

days, 11 hours and nine minutes in space, covering 24.4 million miles in the process.

The pilots returned home in an Apollo command ship crippled by propellant leaks in two of four control rocket systems. The problems at one time forced officials to ready a rescue ship for possible duty but engineers later determined the Apollo could make it back safely.

The crew brought back a band of animals taken along for experimental purposes.

One supermarket spokesman, who declined to be identified, said that lately there have been more price decreases than increases.

The manager of the A&P on Franklin Street predicts that prices will come back down because farmers will soon be flooding the market with cattle.

In many area stores, pork and chicken prices have decreased over the past week. Fowler's reported a reduction in chicken prices by 10 cents a pound. A spokesman for Big Star said that both pork and chicken prices were down 10 cents from last week.

All four A&P stores in the survey also

showed significant decreases for these items.

The U.S. Department of Agriculture has offered a long-range prediction that meat prices this winter should stay where they are, unless demand greatly increases. As of Sept. 24, most meat prices were at or below their freeze level, according to a national Associated Press survey.

None of the stores in the survey reported any shortages in the amount of meat they were ordering. Byrd's meat department manager, Larry Johnson, said that there have been no problems all along, at least not enough to affect the store's meat sales.

All four A&P stores are supplied by a central company warehouse and reported no rationing.

A spokesman for a national meat packing company said that supply has exceeded demand. National experts claim that Americans have changed their eating habits and have gotten used to meat substitutes; therefore, consumers are buying less meat than they did before prices skyrocketed.

The Tar Heel found the following representative meat prices per pound on Sept. 25:

- Carrboro, Franklin St., Airport Rd., and Eastgate A&P stores: ground beef—\$1.19; pork chops—\$1.63; chicken—\$5.55.
- Byrd's: ground beef—\$1.19; pork chops—\$1.63; chicken—\$5.82.
- Big Star: ground beef—\$1.17; pork chops—\$1.51; chicken—\$5.59.
- Fowler's: ground beef—\$0.89; pork chops—\$1.39; chicken—\$5.59.
- Kroger's: ground beef (Kroger brand)—\$0.99; pork chops—\$1.51; chicken—\$5.39.
- Winn Dixie: ground beef—\$0.99; pork chops—\$1.59; chicken—\$5.67.

## Weather

TODAY: Variable cloudiness and cool. The high is expected in the upper 70's and the low tonight is expected in the mid 60's. There is twenty percent chance of precipitation through tonight. Outlook: cloudy and cool.

## McDonald hears gripes

by Janet Langston  
Staff Writer

Susan E. McDonald, new assistant to the Vice Chancellor for Administrative Affairs, sees her role as a lawyer the most important contribution to her job.

After only a month in her job, McDonald has not had enough time to define all of her responsibilities, but still has definite ideas about her work.

McDonald said about 75 per cent of her time has been spent working on the Affirmative Action plan. The rest has been used to clear some "very interesting" law cases.

I hope to be receiving complaints from people who want to talk about Affirmative Action," she said. It may sound unusual to request complaints, she admitted, but communication is the best way for Affirmative Action to work for whom it was written.

"My role is very definitely that of a lawyer," McDonald asserted. She handles legal problems of the University, such as patent policies and copyrights.

McDonald said her career as a lawyer was exactly what she needs for her new job. After graduating from the UNC Law School with a J.D. in honors in 1968, McDonald practiced general law for two years in Raleigh, and worked for the Federal Government in Washington for a year.

The job as a lecturer in the UNC law school in 1970 was what she wanted said McDonald. The condition was ideal—she did not feel as a token woman lecturer, nor did she ever feel discriminated against.

McDonald thinks they are about the most equal opportunity employer around.

The law department is not "peculiar" in its fair treatment of blacks and women, said McDonald, but in working with the affirmative action plan, she realizes that "somewhere in the university there are real deficiencies" in equal opportunity hiring.



The stage is set for another Carolina Playmakers production.