

Decision No. 16848

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Herbert B. Howard,

Plaintiff,

vs.

SOUTHERN CALIFORNIA TELEPHONE COMPANY,
a corporation, and THE PACIFIC TELE-
PHONE AND TELEGRAPH COMPANY, a corpor-
ation,

Defendants.

ORIGINAL

Case No. 2416.

BY THE COMMISSION:

ORDER OF DISMISSAL.

Herbert B. Howard, complainant herein, requests that the Railroad Commission issue an order restraining Southern California Telephone Company, defendant, from removing complainant's telephone service pending the termination of this complaint. It appears that defendant company, through error, established at complainant's residence, located in the Glendale Exchange area, a telephone service from its Los Angeles Exchange and for which it has no legal rate.

It appears that the granting of complainant's request would result in a discrimination in favor of complainant and against others similarly situated, who may desire telephone service from the Los Angeles Exchange; and it further appears that the enlargement of the Los Angeles Exchange area may not be made upon a petition signed by this one complaining subscriber. The

complaint, therefore, does not state a cause of action entitling the complainant to any relief and should, therefore be dismissed.

IT IS THEREFORE HEREBY ORDERED that the above entitled complaint (Case No. 2416) be and it is hereby dismissed.

Dated at San Francisco, California, this 29th day of September, 1927.

Ernest W. [Signature]
Chase

Leon [Signature]

Commissioners.

I dissent. The complainant is entitled to a hearing in as much as the Commission has jurisdiction of the formal complaint here made to change the & change bank's name.

W. J. Carr