Decision No. 24778

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

BORDERLAND EXPLORATION COMPANY, INC., a California Corporation, Plaintiff, vs. SOUTHERN CALIFORNIA TELEPHONE COMPANY, a California corporation, et al., Defendants.	Case No. 3234.

BY THE COMMISSION:

ORDER OF DISMISSAL

The above complaint was filed on April 11, 1932. It is alleged therein that defendant telephone company disconnected certain telephone service rendered to complainant in the City of San Diego. The complaint bears the title "Complaint (Petition for forfeiture of Charter.)" The prayer is that a hearing be had, "and that upon such hearing the franchise of said defendant Southern California Telephone Company be revoked for the reasons as herein set forth, and for such other and further relief as to this Honorable Commission may seem meet and just in the premises."

Pursuant to Rule II, subdivision 6 of the Commission's Rules of Procedure, defendant, on April 16, 1932, filed its statement of alleged defects in the complaint, taking the position that the Commission was without jurisdiction to grant the relief prayed for. Thereupon the Commission gave careful consideration to the question of its jurisdiction to entertain the complaint and on

April 21, 1932, addressed a letter to counsel for complainant, stating that the complaint appeared to be defective in that it failed to state a cause of action within the regulatory powers of the Commission, and requesting that it be advised whether complainant desired to amend so as to bring the matter within the jurisdiction of the Commission, or to have the complaint dismissed. No reply to this letter was received.

Good cause appearing,

IT IS HEREBY ORDERED that the above complaint is hereby dismissed for lack of jurisdiction.

Dated at San Francisco, California, this 16th day of May, 1932.

C. L. Lenney
Leon O. Whitsell
M. J. Carr
M. B. Harris
Fred G. Stevinot
Commissioners.