

ORIGINAL

Decision No. 44431

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

George Chromiak,

Complainant,

vs.

Case No. 5194

The Pacific Telephone and Telegraph
Company,

Defendant.

ORDER OF DISMISSAL

The above complaint, after identifying the parties, reads as follows:

"That: a) 'Yellow Pages' - Classified Telephone Directory. At the present time the Pacific Telephone and Telegraph Company lists the names of advertisers under the headings of Psychologist, Physical-Therapists and Hearing Aids denying them the right to use their respective degrees immediately following their name on the same line.

"b) The Pacific Telephone and Telegraph Company demands that the degree or degrees an advertiser wants listed be placed on a separate line, for which service an additional charge is made.

"c) I think that for the protection of the general public a person seeking the aid of these particular services (Psychologists, Physical-Therapists and Hearing Aids) should know what qualifications the advertiser has.

"WHEREFORE, Complainant asks that and advertiser's degree or degrees be placed immediately after his name, without being forced to use an additional line as the Pacific Telephone and Telegraph Company now demands and for which an additional charge is made."

A copy of the complaint was forwarded to defendant, pursuant to Rule 13 of the Commission's Rules of Procedure. (1) Defendant, in

(1) Under Rule 13 (Rule 12 of revised rules effective July 1, 1950), when a complaint is filed, a copy is mailed to defendant, allowing five days within which to point out asserted jurisdictional or other defects in the complaint. The Commission may dismiss a complaint for failure to state a cause of action. However, if the Commission is of the opinion that a complaint sufficiently states a cause of action, a copy is served upon defendant, together with an order to satisfy or answer.

submitting asserted defects, takes the position that the complaint fails to state a cause of action, in that there is no allegation that defendant's rates or regulations are unreasonable or unlawful; further, that if the complaint be interpreted as challenging the reasonableness of filed rates, it is defective in that it is signed by only one complainant, contrary to Section 60 of the Public Utilities Act.

Complainant was advised that service of the complaint was being withheld, and reference to the Commission was being delayed for fifteen days, to afford complainant an opportunity to consider whether he desired to amend, rely upon the present pleading, or dismiss the complaint. Complainant has replied by letter, taking the position that the complaint states a cause of action and cannot be defective.

As the complaint does not allege that any rate, regulation or practice of defendant is unreasonable or otherwise unlawful, IT IS ORDERED that Case No. 5194 is hereby dismissed for failure to state a cause of action.

Dated, San Francisco, California, this 20th day of June, 1950.

R. F. Johnson

James P. L. L. L.

Harold H. H.

Herbert H. Potter
Commissioners