

Decision No. 55681**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STANLEY D. STARCEVIC,
Complainant,
vs.
PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,
Defendant.

Case No. 5957

ORDER OF DISMISSAL

The above complaint alleges in substance that defendant over-charged complainant for the rearrangement of telephone lines and cables to enable complainant to move a house from one location to another location in San Diego. In accordance with our procedural rules, a copy of the complaint was mailed to defendant, allowing five days in which to point out jurisdictional or other defects in the complaint. A statement of asserted defects was submitted, counsel for defendant taking the position that the complaint failed to state a cause of action.


By letter of August 7, 1957 complainant was furnished a copy of the statement of asserted defects, was asked to advise whether he desired to dismiss without prejudice or to rely upon the present pleading, and was advised that should no reply be received the matter would be submitted to the Commission with a staff recommendation that the complaint be dismissed for failure to state a cause of

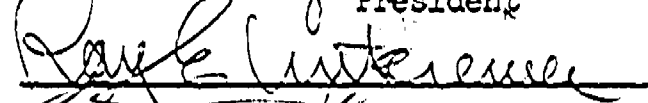
action. No reply has been received. Formal service of the complaint has not been made.


The Commission has been granted certain jurisdiction over public utility rates and service, but such jurisdiction does not extend to all controversies in which a public utility may be involved. The doing of such work on telephone cable facilities as may be necessary to make it possible for a house to be moved along city streets is not a public utility service within the meaning of the Public Utilities Act, and the reasonableness of the charges for the doing of such work may not be determined by the Commission.

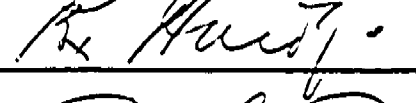
Good cause appearing, IT IS ORDERED that Case No. 5957 is hereby dismissed without prejudice for failure to state a cause of action within the Commission's jurisdiction.

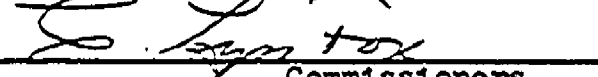
Dated at San Francisco, California, this 15th day of October, 1957.



President








Commissioners