

Decision No. 58547

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WANDA SIMS,  
 Complainant  
 vs.  
 PACIFIC TELEPHONE CO., a  
 corporation, MRS. LORRAINE  
 SCHAEFFER, DONALD A. BETZ  
 and DOUGLAS C. WEBB,  
 Defendants.

Case No. 6261

ORDER OF DISMISSAL

The complaint herein names as defendants a telephone utility, one of its employees, and two police officers of the Inglewood Police Department. It alleges in substance that while a long distance call by complainant "was in process of reaching destination", complainant received three threatening calls, tried to use the rotary line on a switchboard to reach outside help but was disconnected immediately, was sure someone in the basement was paralyzing all outside communication, but finally found a phone open and called the police department for help. Complainant alleges that when the officers arrived they telephoned the utility, thereafter accused complainant of being hysterical, refusing to cooperate with complainant; and that a false report was placed accusing complainant of disturbing the peace.

Complainant alleges she has been "unduly mistreated, embarrassed, mental cruelty, and loss of business". Because of publicity "being given irresponsibly, negligently by said employee and defendants", complainant seeks an order "showing that defendant has breached

contract and complainant is no longer responsible for contract."

Pursuant to procedural Rule 12, copies of the complaint were mailed to defendants by way of information, and thereafter statements of asserted defects were submitted by counsel for the utility as well as by counsel for the police officers. Complainant, by letters of May 6 and 11, 1959, was advised of the asserted defects, and of the opinion of the Commission's legal staff that the complaint failed to state a cause of action. Formal service of the complaint was withheld, so that complainant might consult her attorney, and consider whether she desired to amend, dismiss, or rely upon the present complaint. Complainant was also advised that if there was no reply within 15 days the matter would be submitted to the Commission with the recommendation that the complaint be dismissed. There has been no reply.

The complaint does not allege that defendant utility has acted in violation of the Public Utilities Code or any Commission order, nor that it failed to comply with applicable tariff rates or rules. The complaint does not indicate the exact relief desired. Nor does it appear that any cause of action is stated against defendant police officers.

Good cause appearing, IT IS ORDERED that Case No. 6261 is dismissed for failure to state a cause of action within the Commission's jurisdiction.

Dated at San Francisco, California, on this 5th day of June, 1959.

[Signature]  
President  
[Signature]  
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Commissioners