

66988

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

W. M. GLYNN dba LAMAR RETAIL &
MANUFACTURING JEWELERS, also dba
LAMAR MESSENGER & DELIVERY SERVICE,

Complainant,

VS.

PACIFIC TELEPHONE CO.

Defendant.

Case No. 7844

PRELIMINARY ORDER

The complaint herein alleges in substance as follows:

During the period August 1962 through May 1963 telephone service contracted for and paid for was not received, due to faulty service. Because of continued interruptions of the service many hours of time were lost by complainant while repairmen attempted to repair the service. Because of the interruptions, a beginning business known as Lamar Messenger and Delivery Service was forced out of business due to inability to receive incoming calls. The business known as Lamar Retailing and Manufacturing Jewelers was also damaged by its inability to receive incoming calls.

Complainant seeks an order reimbursing him for monies paid for incomplete service, and granting "a reasonable sum of damages" to cover the cost of the loss of Lamar Messenger and Delivery Service and for damages to Lamar Retail and Manufacturing Jewelers.

The Commission is without jurisdiction in a case like the present to determine the existence of liability or to award damages for alleged loss of business resulting from the acts or omissions of public utilities.

The complaint appears to state a cause of action for possible reimbursement or allowance for alleged failure to receive service or for alleged service interruptions.

IT IS ORDERED as follows:

1. The Secretary of the Commission is directed to cause to be served upon defendant a copy of this order, together with a copy of the complaint herein.

2. Defendant is directed to answer the complaint within ten days after service, but only as to the first two numbered paragraphs of the complaint and the request for reimbursement or allowance as hereinabove indicated.

3. In all other respects Case No. 7844 is hereby dismissed.

Dated at San Francisco, California, this 24th day of March, 1964.

William L. Bennett
 President

Everett C. McKeage

George T. Grover

Fredrick B. Halloff

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.