

ORIGINALDecision No. 68699

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Richard C. Hunter, et al

Complainant

vs.

Case No. 8088

General Telephone Company of
California, a corporation

Defendant

ORDER OF DISMISSAL

The complaint herein alleges that "complainant is a customer of" defendant "in the area served by prefix 457. We would like to see an adjustment downward in the rates for numbers outside of our free calling area. We feel that the rapid jump from zero to six or seven message units for the first areas adjacent to our free dialing area is inequitable and an unjust burden." The prayer of the complaint is for "an order for a more equitable distribution of the message unit charges in the area served by prefix 457."

Attached to the complaint are three sheets, bearing the following heading:

"We, the undersigned are residents of the area served * * * by the prefix '457-', and are interested in a hearing * * * to more equitably distribute toll distance charges outside of our free dialing area."

and containing 38 signatures.

Responsive to preliminary mailing under procedural Rule 12, defendant's counsel submitted a statement of asserted defects, suggesting that the complaint appears to have been satisfied by a

tariff filing (Advice No. 1519), to become effective February 15, 1965, which "discontinued the Zuma District Area, which is the area * * * served by prefix 457, and transferred the rate center for MMU charges to that used by the Malibu District subscribers (whose prefix is 456). This filing, when effective, will reduce message unit charges in the 457 area as requested by complainant."

Defendant's counsel suggested that the complaint is deficient under Public Utilities Code sec. 1702 in that it is not signed by at least 25 actual or prospective customers, the signatories on the appended sheets having merely indicated interest in the subject matter.

Counsel also stated that the entire subject matter of calling patterns in the Los Angeles Extended Area, including multiple message unit service, is in issue in pending Case No. 7409, and that such proceeding is the proper one in which to examine such a complicated and technical subject.

By letter of January 11, 1965 complainant was advised of the content of the statement of asserted defects, and was requested to advise whether or not complainant considered the complaint satisfied, and if not, whether complainant desired to amend or to rely upon the present pleading. A second inquiry was made on January 25, 1965. No reply has been received.

IT IS ORDERED that Case No. 8088 is dismissed without prejudice.

Dated at San Francisco, California, this 9th day of March, 1965.

Frederick B. Alderson
President
George T. Hoover
Commissioners