

ORIGINAL

Decision No. 69839

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rodolfo Cortez

vs

Pacific Telephone Company

Case No. 8252

ORDER OF DISMISSAL

The above complaint, after naming the complainant and defendant, reads as follows:

- "2. That: No. 1.- Salesman mislead me.
 No. 2.- Lack of referral
 No. 3.- Change number without request.
 No. 4.- Again no referral.
 No. 5.- Advertize to sale business.
 No. 6.- Couldn't take follow ups.

WHEREFORE, Complainant requests an order that will prevent the Pacific Telephone Company to collect such bill."

In compliance with procedural Rule 12, a copy of the complaint was mailed to defendant by way of information. Defendant's counsel submitted a statement of asserted defects, claiming failure to comply with Rule 10 and Public Utilities Code section 1702, and requesting dismissal. On September 7, 1965 complainant was furnished a copy of the statement, and was requested to advise whether or not he intended to file an amended complaint. No reply has been received.

Procedural Rule 10 provides that a complaint shall

"* * * set forth fully and clearly the specific act complained of in ordinary and concise language, and shall be so drawn as to advise the parties and the Commission completely of the facts constituting the grounds of the complaint, the injury complained of, and the exact relief which is desired."

Section 1702 of the statute provides that complaint may be made

"* * * setting forth any act or thing done or omitted to be done by any public utility, including any rule or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation, of any provision of law or of any order or rule of the commission."

The complaint does not state the facts constituting the grounds of the complaint, nor is there any allegation of action in violation of statute or any Commission order or rule. For these reasons Case No. 8252 is hereby dismissed.

Dated at San Francisco, California, this 26th day of OCTOBER, 1965.

Fredrick B. Hallock President
John E. Matlock
George E. Grover
Augustus
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.