

ORIGINAL

Decision No. 70899

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Charles S. Hubbard,

Complainant,

vs.

Case No. 8357

The Pacific Telephone and Telegraph
Company, a corporation,

Defendant.

Pillsbury, Madison & Sutro, John A.
Sutro, George A. Sears, Richard W.
Odgers and Arthur T. George, by
George A. Sears, defendant.

ORDER OF DISMISSAL

This is a complaint by Charles S. Hubbard (hereinafter referred to as Hubbard) against The Pacific Telephone and Telegraph Company (hereinafter referred to as PT&T). The complaint alleges no facts. It does, however, allege that PT&T's tariff rule relating to PT&T's liability for an error or omission in directory listings or advertisements (Rule 17(B), Schedule Cal. P.U.C. No. 36-T, 2d Revised Sheet 62), is unreasonable, improper and unconstitutional. Hubbard seeks an order declaring Rule 17(B) void. On March 21, 1966, PT&T filed a motion to dismiss the complaint on the grounds that on November 9, 1965, the Commission continuing a long line of decisions, held Rule 17(B) to be reasonable and (2) even if Rule 17(B) were ordered to be rescinded, Hubbard would not be entitled to any retroactive relief. The motion contends that further hearings on this matter would unreasonably burden PT&T and the Commission.

The motion to dismiss was set for hearing, and a duly noticed hearing was held before Examiner Jarvis at San Francisco on May 12, 1966, and the matter was submitted on that date. No one appeared on behalf of Hubbard.

On November 9, 1965, the Commission entered Decision No. 69942 (in the following cases consolidated for hearing: Case No. 7232, Ross v. PT&T; Case No. 7424, Pellaton, etc. v. PT&T; Case No. 7796, In re PT&T - Directory Errors et al.) Finding of fact No. 8 in Decision No. 69942 stated that "This record fails to establish that there should be a change in Rules 17(B) and 17(C) ... except as provided herein." The order provided that PT&T should continue to use these rules, as modified by the Commission. As indicated, the complaint herein alleges no facts. Hubbard has presented no new authorities which would prompt the Commission, to reconsider the question of directory errors at this time. In the circumstances the Commission makes the following findings and conclusion:

Finding of Fact

1. The matters sought to be raised by the complaint were passed upon and disposed of in Decision No. 69942 (Consolidated Cases Nos. 7232, 7424 and 7796) entered on November 9, 1965.
2. No useful purpose would be served by considering at this time the questions of telephone directory errors and omissions sought to be raised by the complaint.

Conclusion of Law

The complaint should be dismissed.

O R D E R

IT IS ORDERED that Case No. 8357 is hereby dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of JUNE, 1966.

Frederick B. Holcomb
President

John S. Mitchell

George L. Brown

Augustus

Dellencourt Brown
Commissioners