

Decision No. 71219**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CECIL L. CREWS,

Complainant,

vs.

Case No. 8455

CALIFORNIA WATER AND TELEPHONE  
COMPANY,

Defendant.

ORDER OF DISMISSAL

The complaint herein, filed June 23, 1966, alleges in substance that defendant's \$10.00 charge for color telephone installation is excessive in contrast to installation of black telephones; that the difference in cost is less than the fee charged, and the labor involved no more than for installation of a black telephone; and that defendant's tariff is in direct conflict with advertised color telephone "single time" charges stated as inducement to install colored telephones in New Orleans, Louisiana, and San Diego, California.

Complainant seeks an order "showing proof and cause" why such charge is not excessive in relation to actual cost; relieving complainant of such excessive charge; ceasing the practice of making an extra charge for all California colored telephones; and cancelling defendant's tariff items providing for such charge.

By letter of July 13, 1966 complainant was furnished a copy of defendant's statement of asserted defects in the complaint, and was requested to advise whether or not complainant requested dismissal without prejudice to the filing of a new complaint.

By letter of August 9, 1966 complainant takes the position that defendant has only indicated trivial or non-existent defects,

and that the complaint is under the Commission's jurisdiction over rate control and customer service.

Public Utilities Code section 1702 provides in part as follows:

"1702. \* \* \* No complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless it is signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or city and county within which the alleged violation occurred, or by not less than 25 actual or prospective consumers or purchasers of such gas, electricity, water, or telephone service."

The complaint challenges the reasonableness of telephone rates or charges, does not comply with section 1702, and is therefore dismissed without prejudice.

Dated at San Francisco, California, this 30th day of AUGUST, 1966.

*John E. Mitchell*  
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President  
*George H. Brown*  
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*Augustor*  
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Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

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