

**ORIGINAL**

Decision No. 72134

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE UTILITY USER'S LEAGUE OF CALIFORNIA, a non-profit citizens association, and over 25 individual ratepayers, by EDWARD L. BLINCOE, President of the League,

Complainants,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH CO. and THE CALIFORNIA WATER AND TELEPHONE COMPANY,

Defendants.

Case No. 7394  
(Filed July 3, 1962)

ORDER OF DISMISSAL

The complaint herein, bearing 37 signatures, complains that The Pacific Telephone and Telegraph Company and The California Water & Telephone Company, defendants, have

"...committed unlawful acts, and failed to discharge their statutory duties to their ratepayers, in violation and contrary to the California Public Utilities Code and particularly Section 451 and 453 thereof and of the rules and regulations of this commission, in that they have established unjust and unreasonable charges, rules and regulations, and received undue benefits from excessive rates of return, excessive and preferential issues of equity securities, and discrimination between persons, as to rates, charges, service, facilities, and in other respects have allowed preference and advantage and maintained unreasonable differences between localities and classes of service, WHICH ACTS subject the ratepayer to improper burdens and deprive them of rightful benefits to which they are lawfully entitled...."

The Utility User's League of California and other complainants request the following:

"...that the Commission require defendants to provide a uniform zone system, compatible with zone costs and not mileage, for charges, service, facilities and station availability to all persons and localities in the San Fernando Valley and particularly the following named exchanges, Citrus, Chase, Chapman, Diamond, Dickens, Empire, Poplar, Rogers, State, Thornwall and further, that Total station availability be comparable to that provided in the District Areas of the Los Angeles Exchange, first, by including all stations in the San Fernando Valley in a basic 'free' call zone, and, secondly, by adding such number of adjacent exchanges or district areas outside the San Fernando Zone as may be required to achieve a similar and equitable total, and for other and further relief as may appear proper in the circumstances."

The Utility User's League of California previously raised substantially the same matter in paragraph III of the complaint in Case No. 6333, in paragraph I of the complaint in Case No. 7076, and in Case No. 7409, the Commission's investigation of The Pacific Telephone and Telegraph Company.

Defendants in their answers to the complaints herein moved that the complaint be dismissed on the grounds that it fails to state a cause of action under Section 1702 of the Public Utilities Code of the State of California and that it does not comply with the requirements of Rule 10 of the Commission's Revised Rules of Procedure. Complainants subsequently moved that Case No. 6333 and Case No. 7076 be incorporated in these proceedings and the decisions therein be reviewed.

After five days of hearing in Case No. 6333, by Decision No. 60612, dated August 23, 1960, the Commission held that the complainants had failed to state facts constituting a cause of action and had failed to comply with Rule 10 of the Revised Rules of Procedure. The Commission dismissed the complaint; on October 18, 1960, denied complainants' petition for rehearing (Decision No. 60883); and on April 25, 1961, by Decision No. 61876, dismissed complainants' petition to rescind Decision No. 60612.

Complainants next attempted in Case No. 7076, paragraph I thereof, to raise the same matter complained of herein. Without hearing, Case No. 7076 was dismissed by Decision No. 62442, dated August 22, 1961, the Commission stating with respect to said paragraph I:

"This allegation is akin to Paragraph III of the complaint in Case No. 6333, held insufficient to state a cause of action by Decision No. 60612, although here restricted to San Fernando Valley rather than the Los Angeles extended area."

Comparison of complainants' request in Case No. 7076 with the request in Case No. 7394 reveals that the wording of both requests is almost identical.

Witnesses for The Utility User's League of California testified in Case No. 7409 relative to the matter herein complained of. The Commission considered and resolved the matter by Decision No. 71575, dated November 23, 1966, in Case No. 7409.

The Commission finds that the complaint does not comply with Public Utilities Code Section 1702 nor with the Commission's procedural rules; that no useful purpose will be served by further consideration of the complaint; that a public hearing is not necessary; and that the matter should be dismissed. Therefore,

IT IS ORDERED that:

1. Defendants' motions to dismiss the complaint are granted.
2. Complainants' motion to incorporate Cases Nos. 6333 and 7076 in this proceeding is denied.

3. Case No. 7394 is hereby dismissed.

Dated at San Francisco, California, this 15th  
day of MARCH, 1967.

[Signature]  
President

[Signature]

[Signature]

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Commissioners