RC

Decision No. 73992

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BERNARD NAGLER,
Complainant,
vs.
PACIFIC TELEPHONE,
Defendant.

Case No. 8726

ORDER OF DISMISSAL

The above complaint, filed November 13, 1967, alleges in substance that geographically complainant's office is in Los Angeles, but defendant considers such area part of its Beverly Hills Exchange and lists complainant's number in the Beverly Hills telephone directory. Complainant alleges that if he wants a listing in "the logical directory (Los Angeles)" there is an additional cost of 75 cents a month; that a person seeking his number and knowing that his office is in Los Angeles cannot be expected to look in the Beverly Hills directory; and that complainant does not believe he is receiving equal service from defendant.

Complainant seeks an order making it compulsory for defendant to list numbers in "both directories" where such conditions exist "(the exchange directory and the post office address directory) without any monetary charge,, inconvenience, or request by the customer."

Under procedural Rule 12 a copy of the complaint was sent to defendant, allowing time to point out any jurisdictional or other defects in the complaint. A statement of asserted defects was submitted on November 24, 1967, and a copy was mailed to complainant. The statement suggested failure to state a cause of

action in that the complaint was signed by only one subscriber, although Public Utilities Code sec. 1702 requires that a complaint challenging rate reasonableness be signed by at least 25 actual or prospective customers. The statement also noted that the complaint did not allege any violation of statute, tariff, or Commission order.

By letter of December 4, 1967 complainant was requested to advise whether he wished to file an amended complaint, request dismissal, or rely on the present pleading. By letter of February 2, 1968 complainant was requested to respond to the earlier inquiry. No reply has been received.

IT IS ORDERED that Case No. 8726 is dismissed without prejudice.

Dated at San Francisco, California, this 16th day of APRIL, 1968.

President

Commissioners