

Decision No. 74376

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SAN FRANCISCO EYE AND EAR HOSPITAL, INC.,

Complainant,

vs.

Case No. 8775

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,

Defendant.

ORDER OF DISMISSAL

The complaint herein, filed March 11, 1968, relates to the period July 1, 1965 through February 15, 1966. In essence it alleges that during that period incorrect telephone numbers were given out by defendant's information service. Also involved is the right to use the name Green's Eye and Ear Hospital for a certain period of time. Claiming damages, complainant seeks a total of \$1,548.53 "reimbursement" of certain charges to several telephone numbers.

Under procedural Rule 12 a copy of the complaint was sent to defendant, allowing time to point out jurisdictional or other defects in the complaint. A statement of asserted defects was submitted. The statement suggested failure to state a cause of action in that the complaint does not allege any violation of a tariff or Commission order, nor any breach of legal duty, and that in any event the complaint is barred by the statute of limitations.

By letter of March 29, 1968 a copy of the statement was sent to complainant, and it was requested to advise whether complainant

wished to file an amended complaint, request dismissal, or rely on the present pleading. By letter of May 9, 1968, the President of complainant was requested to respond to the earlier inquiry. No reply was received, but on May 29, 1968 a letter was received from the Administrator of complainant hospital, inquiring as to the status of the complaint. On May 29, 1968 copies of the earlier letters to complainant were sent to the Administrator, requesting a response. No reply has been received.

IT IS ORDERED that Case No. 8775 is dismissed without prejudice.

Dated at San Francisco, California, this 9th day of JULY, 1968.

William S. ...
President
William G. ...
Attorney
Fred P. ...
Commissioners