

Decision No. 75350**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CHARLES TRAVEL SERVICE,
a Corporation,

Complainant,

vs.

PACIFIC TELEPHONE COMPANY,

Defendant.

Case No. 8879

ORDER OF DISMISSAL

Complainant alleges it was negligently treated or intentionally deceived by defendant's representatives, in that it accepted a recommendation concerning telephone service and equipment, but other types of systems were not discussed, and only later did complainant learn it was required to contribute a considerable amount of office space to house the telephone equipment. It is alleged that "on March 20, 1968, some two plus years after our present service had been installed", complainant learned there were independent communications consultants, employed a consultant, and was advised complainant had much more equipment than was necessary.

It is alleged that on May 22, 1968 a representative of defendant pointed out several ways in which equipment could be rearranged, still provide necessary service, and reduce cost. There were later contacts, defendant was asked to make restitution for a number of items, and on October 14, 1968 defendant stated present equipment was fully justified, the Basic Termination Contract would stand, and that it was a change in complainant's business operations after installation of the service that would

make rearrangements or modifications possible. Complainant alleges defendant could not make the system work, and therefore after due time complainant's business operations were changed.

Complainant seeks the following relief:

1. Cancellation of the Basic Termination Contract.
2. Refund of all installation charges.
3. Installation "at the then existing rate" of a 6051A Key system.
4. Refund of the difference in monthly rental fees between the Key System and the present system.
5. Refund of the sum for constructing the equipment room and redrawing plans.
6. That "all adjustments be made from December 27, 1965."
(Emphasis added.)

Pursuant to procedural Rule 12, a copy of the complaint was sent to defendant by way of information. Defendant submitted a statement of asserted defects, suggesting the complaint is defective in that it does not allege what provision of law, tariff, or Commission order or rule defendant has violated, and that complainant's claim is barred by the statute of limitations.

By letter of December 27, 1968 complainant was advised of these asserted defects. No amendment has been filed.

Complainant seeks reparation. The complaint does not allege discrimination or the charging of other than applicable tariff rates. Therefore, Public Utilities Code sec. 735 applies. It provides that other reparation complaints shall be filed "within two years from the time the cause of action accrues, and not after."

The complaint seeks adjustments "from December 27, 1965", and alleges that the service was installed "some two plus years"

before March 20, 1968. The complaint was filed December 16, 1968, and thus is barred by the two year statute of limitations. For this reason Case No. 8879 is dismissed.

Dated at San Francisco, California, this 25th day of February, 1969.

William J. Lyons, Jr.
President
August
David P. Monussey
Q. M. F. M. R. C. A.
John M. ...
Commissioners