

**ORIGINAL**

Decision No. 75442

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PAUL F. FEGEN,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Case No. 8799  
(Filed May 3, 1968)

(Amended May 28, 1968)

Paul F. Fegen, for complainant.  
Richard A. Olsen, for defendant.  
Andrew Tokmakoff, for the Commission  
staff.

ORDER OF DISMISSAL

A prehearing conference in the above entitled complaint was scheduled for the Commission's courtroom in Los Angeles on October 1, 1968, before Examiner Rogers, and the parties, including the complainant, were notified thereof in writing. On September 3, 1968, at the written request of the complainant, the date of the prehearing conference was changed to January 21, 1969, and the parties were advised thereof in writing. On or about December 30, 1968, the defendant requested that the prehearing conference be rescheduled for February 11, 1969. In accordance with the request, and with the consent of the complainant, the prehearing conference was rescheduled for Tuesday, February 11, 1969, and the parties were notified thereof in writing.

On Monday, February 10, 1969, the Commission received a letter, dated February 6, 1969, from the complainant, stating that the complainant believes that the matter has been settled and requesting that, pending signed releases, the matter be taken off calendar but not dismissed. On receipt of this letter the examiner telephoned the complainant at his telephone number listed on the letter of February 6, 1969, and informed him that the complaint would be dismissed due to the delay in prosecution.

Therefore, IT IS ORDERED that the above entitled complaint be, and it hereby is, dismissed without prejudice.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 18<sup>th</sup>  
day of MARCH, 1969.

William S. Jones, Jr.  
President  
August  
John P. Morrison  
W. J. Moran  
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.