

Decision No. 76202**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THEODORE and PHYLISS OROS,
 husband and wife, owners
 and operators of a telephone
 answering bureau,

Complainants

vs.

THE PACIFIC TELEPHONE AND
 TELEGRAPH COMPANY, a
 corporation,

Defendant.

Case No. 8238

ORDER OF DISMISSAL

This complaint was filed on July 28, 1965. The answer was filed on September 15, 1965. On December 17, 1965 the parties were advised that the matter would be set for hearing. Complainants requested that the hearing be deferred until disposition was had of a criminal proceeding pending against them. Defendant requested that the setting be deferred so that it could take the depositions of complainants. In the light of the requests of the parties the matter was not calendared. The parties agreed to defer the taking of the depositions until after the criminal matter was resolved.

The Superior Court dismissed the criminal charges against Mrs. Oros and the people appealed. The trial of Mr. Oros was deferred pending the outcome of the appeal. The dismissal of the charges against Mrs. Oros was sustained on appeal. Thereafter, a trial was had with respect to Mr. Oros. He was found to be not

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guilty in the criminal proceeding. At this juncture the complaint herein could have proceeded to hearing before the Commission if additional events had not occurred. On May 22, 1968, Mrs. Oros killed Mr. Oros during a family argument. On August 12, 1968 she pleaded nolo contendere to a charge of murder. Sentencing was deferred until October 15, 1968. Sentence was not passed because Mrs. Oros attempted suicide and had been committed to the County hospital.

While the Commission has no desire to foreclose Mrs. Oros from a hearing on the complaint, it appears that there is no likelihood that the matter can be brought to hearing in the foreseeable future. Furthermore, in the light of the changed situation since the filing of the complaint, it is conjectural what meaningful relief, if any, could be granted by the Commission, if the complaint were found to be true. In the circumstances, a dismissal without prejudice appears to be appropriate.

IT IS ORDERED that Case No. 8238 is hereby dismissed without prejudice.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23rd day of SEPTEMBER, 1969.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

-2- Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.