

ORIGINAL

Decision No. 79654

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

UNIVERSAL COMMUNICATION SYSTEMS, INC.,)
 Complainant,
 vs.
 GENERAL TELEPHONE COMPANY OF)
 CALIFORNIA,)
 Defendant.

Case No. 9300
(Filed December 1, 1971)

ORDER OF DISMISSAL

Complainant alleges that it is an interconnect company whose business is to design, assemble, install and service complete telephone systems, including switchboard and related equipment for hotels, motels and other institutions and businesses. It alleges that "...the rates furnished by defendant for the purchase of connecting blocks, cables and terminals are discriminatory, arbitrary and unreasonable" and "...requests an Order requiring the defendant to establish rates or prices for the enumerated equipment and an itemization of the equipment sold and the method of determining the price of each item."

Defendant requested dismissal of the complaint on the basis that the equipment in question is no longer necessary or useful to defendant if a customer connects its own equipment and thus the sale of the inside wiring and cable is not subject to the jurisdiction of the Commission under the provisions of Section 851 of the Public Utilities Code.

Complainant was given the opportunity to respond to this contention of defendant's but declined to do so.

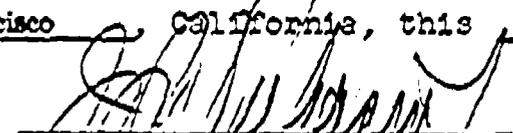
C. 9300 ds

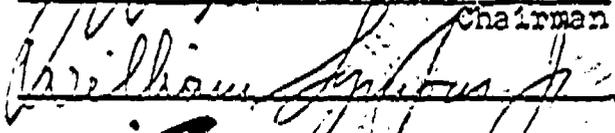
On the basis of the pleadings, the Commission concludes that it does not have jurisdiction to require defendant to publish rates or prices for the sale of equipment no longer necessary or useful in the performance of its duties to the public. Therefore, the complaint herein must be dismissed.

IT IS ORDERED that the complaint herein is dismissed.

The effective date of this order is the date hereof.

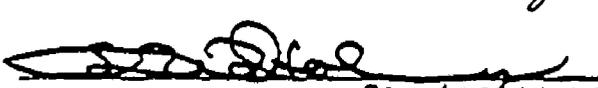
Dated at San Francisco, California, this 15th
day of FEBRUARY, 1972.



Chairman








Commissioners