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ORIGINAL

Decision No. 80293

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES CARTER,
Complainant,
vs.
THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY,
Defendant.

Case No. 9317
(Filed January 18, 1972)

James Carter, in propria persona, complainant.
Richard Siegfried, Attorney at Law, for The Pacific Telephone and Telegraph Company, defendant.

O P I N I O N

On January 18, 1972, James Carter, a resident of Mill Valley and a customer of The Pacific Telephone and Telegraph Company, filed a complaint alleging that defendant:

1. Failed to bill complainant for the months of September and October, 1971.
2. Failed to notify complainant that a bill was payable for the month of September and October, 1971, except for a notice that service would be discontinued in five days.
3. Failed to verify message unit calls and long distance toll calls.
4. Included in complainant's bill, dated December 19, 1971, service charges for two months in the amounts of $6.65 and $6.43.

On February 10, 1972, defendant filed its answer to the complaint and in response thereto alleged that:

1. Defendant's records show that bills for the September billing round, which included the complainant's bill, were mailed on September 27, 1971, and that bills for the October billing round, which similarly included complainant's bill, were mailed on September 26, 1971.

2. Defendant has always been prepared to check any calls which complainant believes he did not make and complainant in his complaint, as in the past, has failed to indicate what calls he is disputing.

3. Complainant was correctly billed basic monthly charges totaling $6.65 and $6.43, respectively, on his December, 1971, bill; that under Schedule Cal. P.U.C. 36-T, 3rd Revised Sheet 44, Rule 9 (A)(1), defendant bills the basic monthly exchange charge in advance; that the charges which appeared on complainant's December bill reflected the back billing of the exchange charges from the time his service was reconnected on November 19, 1971, until December 18, 1971, as well as the billing for one month's service charge in advance.

A public hearing, which was to have been held before Examiner Daly at San Francisco on April 21, 1972, was continued to June 27, 1972, at the request of complainant, who stated that he was in the process of moving and his records were in storage boxes. On June 27, 1972, complainant failed to appear and the matter was submitted on the pleadings.

After consideration, the Commission finds that the complaint should be dismissed.

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O R D E R

IT IS ORDERED that the complaint in Case No. 9317 is hereby dismissed with prejudice.

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

Dated at San Francisco, California, this 25th day of [illegible], 1972.

President

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.