

MW

Decision No. 80836

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AUDREY F. KAYE and IRVING H. KAYE,
Complainants,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
CO., a corporation,

Defendant.

Case No. 9446

ORDER OF DISMISSAL

Complainants allege that defendant has made numerous billing errors, that there has been lack of proper service to complainants, and that complainants have been abused by employees of defendant who hide behind the anonymity of their positions. The complaint is in general terms and lacks specifics.

Following receipt of defendants' letter of defects dated October 26, 1972, filed pursuant to Rule 12 of the Commission's Rules of Practice and Procedure, complainants were given the opportunity to amend their complaint. The Commission's letter of October 27 stated in part:

"You are advised that your complaint should include a brief outline of specific instances wherein you believe that defendant has made billing errors on your account which were not corrected. You should also specify the abuses which you have suffered so that the Commission and defendant may be prepared to deal with these matters should a hearing be granted to you."

Complainants' letter dated November 18, 1972, responds, in part, as follows:

"As for citing specific examples, so that the COMMISSION and the TELEPHONE company has the opportunity to find ways and means to refute and nullify them on PRETENSE of 'EVALUATING' as to whether or not we shall be entitled to a hearing, please be advsed (sic) that we have so many examples that they are too numerous to set forth herein as they would fill volumes. Further, we see NO reason to give the Telephone company advance notice so that they can COERCE and REHEARSE their employees in how to respond to questioning."

Rule 10 of the Commission's Rules of Practice and Procedure states:

"The specific act complained of shall be set forth in ordinary and concise language and the complaint shall be so drawn as to advise the parties and the Commission completely of the facts constituting the grounds of the complaint, the injury complained of, and the exact relief which is desired."

The instant complaint does not meet these requirements. By Commission letter of October 27, 1972, complainants were advised that their complaint should be made more specific. Complainants have declined to amend their complaint so as to meet the requirements of Rule 10. Therefore, the complaint herein should be dismissed.

IT IS ORDERED that the complaint herein is dismissed. Complainants are advised that they may file a new complaint, should they so desire, but that the new complaint must meet the requirements of the Commission's Rules of Practice and Procedure.

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

Dated at San Francisco, California, this

12th day of DECEMBER, 1972.

Vernon L. Sturgeon
President

William J. Sturgeon, Jr.

[Signature]
[Signature]
Commissioners

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