

IM

Decision No. 81341

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Claude A. Bigelow,

Complainant,

v.

Case No. 9520

General Telephone Company
of California,

Defendant.

ORDER OF DISMISSAL

Claude A. Bigelow (complainant) filed a complaint against General Telephone Company of California (General) on March 12, 1973. On March 23, 1973, the Commission received a letter of defects from General, to which complainant was required to respond by April 16, 1973. As of April 23, 1973, no response has been received. It is, therefore, appropriate for the Commission to determine if the complaint states a cause of action against General.

The complaint concerns General's supersedure rule, which the complainant believes is unfair and harsh. He asks that the Commission review the present rules and regulations governing supersedure and shift the financial burden of this rule from himself, as a superseding telephone user, to some unspecified party.

The complaint does not allege that General has violated any provision of law or any tariff provision or any order or rule of the Commission, nor does it contain any allegations that General has in any way breached any legal duty it has to the complainant or to anyone else. It, therefore, fails to comply with section 1702 of the Public Utilities Code and with Rule No. 9 of the Commission's Rules of Practice and Procedure.

The Commission concludes that the complaint fails to state a cause of action against General and should be dismissed. To the extent that the complaint appeals to the discretion of the Commission to investigate supersedure rules on its own motion, we decline to exercise that discretion at this time.

IT IS ORDERED that the complaint herein is dismissed.

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

Dated at San Francisco, California, this 8th
day of May, 1973.

Harmon L. Sturgen
President
William Symons Jr.

[Signature]
Commissioners

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

I dissent
Thomas Moro