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Decision No. 82671

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JONATHAN A. KAUFMAN, and the
CALIFORNIA TAX REFORM ASSOCIATION,

Complainant,

vs.

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,

Defendant.

Case No. 9582
(Filed July 5, 1973)

ORDER OF DISMISSAL

Complainant requests that the Commission amend the tariff of defendant Pacific Telephone and Telegraph Company dealing with charges of person-to-person long distance calls.

By Commission letter dated July 22, 1973, complainant was advised that on the basis of defendant's response to the complaint, complainant could dismiss, amend, or stand on the complaint after which time a determination would be made as to whether the complaint states a proper cause of action on which the Commission may act. By letter dated July 24, 1973, complainant elected to stand on the complaint as filed.

Section 1702 of the Public Utilities Code provides in part: "No complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless it is signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or city and county within which the alleged violation occurred, or by not less than 25 actual or prospective consumers or purchasers of such gas, electricity, water, or telephone service." (Emphasis added.) It is clear that the Commission may not entertain

a complaint unless it complies with Section 1702 and since complainant chose to stand on the complaint as filed and the complaint does not comply with this section, the complaint must be dismissed.

IT IS ORDERED that the complaint is dismissed.

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

Dated at San Francisco, California, this 9th
day of APRIL, 1974.

Vernon L. Thompson
President
William J. Quinn
William J. Quinn
William J. Quinn
William J. Quinn
Commissioners