

BP

Decision No. 83659

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CONSUMERS LOBBY AGAINST MONOPOLIES,
DAVID L. WILNER, In Pro Per

Complainants,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,

Defendant.

Case No. 9788

ORDER OF DISMISSAL

Complainant Consumers Lobby Against Monopolies (CLAM) styles itself as a consumer advocate. Complainant David L. Wilner styles himself as a ratepayer. Both claim interest in defendant's Advice Letter No. 11372, though neither claim to be customers affected by this Advice Letter nor competitors with the service offered.

Complainants assert that defendant seeks to increase its rates for 770A Dial PBX Service by \$800,000, that this service is by special contract, and that defendant's publication regarding cost comparisons of defendant-supplied and privately supplied dial PBX equipment is misleading.

Complainants seem to claim some anticompetitive practice by defendant. They ask that Advice Letter No. 11372 be suspended and for various other actions by this Commission, including:

"3. That the Commission issue its order to show cause why all persons and public and private institutions affected by these proceedings not be notified of the alleged anticompetitive conduct of Pacific in order that the Commission may proceed to investigate possible anti-trust violations.

"4. That the Commission will promote competition, and to protect users of business communications services."

By letter dated September 11, 1974, defendant pointed to the lack of specificity in the complaint. In a letter to complainant Wilner, the only signatory to the complaint, the Commission's Secretary directed attention to this assertion of defendant and informed complainants of their option to amend, dismiss, or stand on the complaint. No response to this letter has been received.

After study of the complaint the Commission has been unable to discern the interest of complainants, what it is that defendant is supposed to have done that was in violation of a Commission order, rule, or directive, what the nature of the anti-competitive practice was or is, or the nature of the relief requested. We understand that complainants wish Advice Letter No. 11372 suspended but we cannot understand the basis of this request. We therefore must dismiss this complaint.

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 29th
day of OCTOBER, 1974.

Vernon L. Sturgeon
President
William Synovis, Jr.
Thomas Mann
Robert E. McLaughlin
Commissioners