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Decision No. 84326

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

California Irrigation Services, Inc.,
a corporation,

Complaint,

vs.

Case No. 9874

Pacific Telephone and Telegraph
Company, a corporation,

Defendant.

ORDER OF DISMISSAL

Complainant alleges that it has a private telephone system installed and that it has been, and is being, charged for the installation and rental of protective devices by defendant. Complainant asserts that this charge is improper. The type of private telephone system operated by complainant is not stated.

The Commission has instituted Case No. 9625 as a vehicle to investigate the issue of interconnecting devices. Decision No. 82412 outlined the procedures to be followed pending resolution of this investigation. These procedures include continuation of defendant's present tariff regarding interconnection, with the right of refund to the customer should the investigation indicate that the protective devices are not warranted.

By letter dated February 28, 1975 the Secretary of the Commission advised complainant that it had not alleged sufficient facts to exempt its situation from Decision No. 82412, and that an amendment to the complaint was necessary if a cause of action were to be stated. No such amendment has been received. Therefore, the complaint must be dismissed for failure to state a cause of action. Complainant is advised that the

charges for the interconnecting devices are being separately accounted for by defendant and are subject to the refund provision in Decision No. 82412 should the Commission determine that such is warranted in Case No. 9625.

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 15th day
of APRIL, 1975.

Vernon L. Stinson
President
William J. Lyons, Jr.
Edward J. ...
Leonard Ross
Robert ...
Commissioners