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Decision No. 84352

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SUNRISE HOMEOWNER'S ASSOCIATION,)
Complainant,)

vs.)

Case No. 9859

ROSEVILLE TELEPHONE COMPANY and)
PACIFIC TELEPHONE AND TELEGRAPH)
COMPANY,)
Defendants.)

ORDER OF DISMISSAL

The title and the body of the complaint herein are re-printed in their entirety:

"PETITION TO THE
PUBLIC UTILITIES COMMISSION

"WE, THE UNDERSIGNED, residents of Larwins' Tempo Development of Citrus Heights in Sacramento County claim our right to telephone service equivalent to that of our neighbors in surrounding County areas.

"OUR communities' interests relate more to the governmental, institutional and commercial services of the City of Sacramento than the City of Roseville.

"FURTHER, the Roseville Telephone Company service is not reliable. Yet, it costs us more than the superior Pacific Telephone Company service.

"SINCE you franchise this public utility for the public's benefit, not the sole interests of telephone companies;

"SINCE both Pacific Telephone Company of the Sacramento area and the Roseville Telephone Company have refused toll-free Sacramento service to our area of over four hundred (400) homes;

"WE charge you to transfer us to Pacific Telephone's Sacramento service and to insure rates equitable to those of Fair Oaks, Orangevale, North Highlands, Foothill Farms, Folsom, and Rescue."

Following a Secretary's letter of February 19, 1975, informing complainant of its right to amend this complaint, the Commission received a letter dated February 26, 1975. This letter sought to "clarify our petition". It indicated that the subject matter was poor service and high rates from Roseville Telephone Company, and did not mention the request to transfer the service area to Pacific Telephone and Telegraph Company.

The Secretary returned this letter to complainant, stating that an amendment to a complaint must be verified. The Secretary also indicated that the complaint should be amplified to show the service problems. Complainant's time to amend its complaint was extended by the Secretary to permit complainant to make the proper amendments. No reply has been received.

Based on the file now before us, we must find that there has not been sufficient information provided to state a cause of action against Roseville Telephone Company. No facts have been alleged justifying a complaint against Pacific Telephone and Telegraph Company. Therefore, this complaint must be dismissed. Complainant is not precluded from bringing a proper action against either defendant. However, based on the filing in this case, complainant might well consider obtaining professional advice before attempting another formal complaint.

Complainant is also directed to the caution in the Secretary's letter:

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"Finally, you are reminded that it is the duty of a complainant to prove its own case. You must not rely on the Commission Staff to do this for you, or to even be present at any hearing."

The Commission staff is available for limited advice, and can sometimes settle informal complaints when requested. These services are open to complainant before a formal complaint is filed.

IT IS ORDERED that the complaint herein is dismissed without prejudice for failure to state a cause of action against either defendant.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 22nd day of APRIL, 1975.

Leslie L. Stevenson
President
William Synovis Jr.
William Synovis Jr.
Leonard Ross
Robert F. ...
Commissioners