

ED

Decision No. 84490

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THOMAS SIEGMANN,

Complainant,

Case No. 9894

v.

PACIFIC TELEPHONE & TELEGRAPH  
COMPANY,

Defendant.

ORDER OF DISMISSAL

Complainant alleges that a yellow page advertisement that was supposed to appear in defendant's 1974 telephone directory for central Contra Costa County was not contained in that directory. This failure is asserted to constitute gross negligence, willful, or fraudulent conduct of defendant, causing as yet undetermined damages at least exceeding the sum of \$10,000. Complainant's only prayer is for an award of \$10,000.

Following defendant's letter of defects, in accordance with Rule 12 of the Commission's Practice and Procedure, the Commission Secretary sent a letter to complainant which stated in part:

"The Commission does not have authority to award damages. Unless the complaint is amended it must be dismissed."

Complainant has not amended his complaint.

The Commission has no jurisdiction to award damages. Schumacher v. PT&T, 64 CPUC 295 (1965). Since the complaint contains no prayer other than that for damages, and complainant has declined

the opportunity to amend, the complaint must be dismissed.

IT IS ORDERED that the complaint herein is dismissed for failure to state a cause of action within the jurisdiction of this Commission to decide.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd day of JUNE, 1975.

Thomas L. Sturgeon  
President

William J. ...

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Commissioners