

Decision No. 85495

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Home Federal Savings & Loan
Association of San Francisco,

Complainant,

vs.

Pacific Telephone Co.
Yellow Pages,

Defendant.

ORIGINAL

Case No. 10026
(Filed December 23, 1975)

ORDER OF DISMISSAL

The complaint alleges that defendant failed to make directory advertising deletions requested by complainant. Complainant seeks reparations for the alleged unauthorized advertising for which it paid. On January 5, 1976, defendant submitted a letter of defects (Rule 12) contending that the complaint did not state the facts upon which the complaint was based (Rule 10). On January 7, 1976, the Executive Director advised complainant that:

"Your complaint is presently insufficient in that it does not identify the errors in the directory, the changes requested, whether an employee of defendant agreed to the changes, or the directories concerned. These facts should be alleged."

Complainant was further advised that it had until January 26, 1976 to respond to the letter of the Executive Director. No response was received by that date.


C. 10026 b1 *

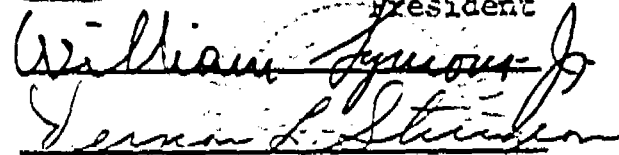
The complaint contains conclusory allegations with no facts alleged in support thereof. The Commission finds that the complaint, as filed, does not allege specific facts to properly state a cause of action on which the Commission could make a decision. Complainant has declined the opportunity to amend. The complaint must be dismissed.

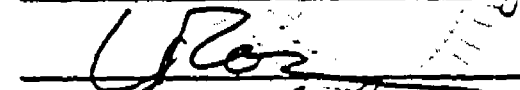
IT IS ORDERED that Case No. 10026 is dismissed.

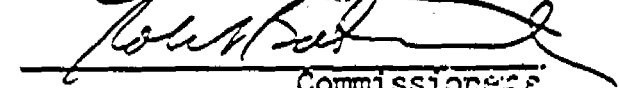
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of MARCH, 1976.



President






Commissioners