

ALJ/jn

Decision 84 12 023

DEC 5 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JUDY PALLACK,

Complainant,

vs.

PACIFIC BELL (formerly PACIFIC  
TELEPHONE), and ('84)  
AT&T,

Defendants.

Case 84-05-057  
(Filed May 15, 1984)

Margaret deB. Brown, Attorney at Law, for Pacific  
Bell, and Thomas V. McClendon, Attorney at Law,  
for AT&T Communications of California, Inc.,  
defendants.

O P I N I O N

Judy Pallack (complainant) filed this complaint on May 15, 1984 alleging she was the target of discriminatory practices by Pacific Bell (Pacific) in its billing for telephone service and equipment. The complaint requested that:

1. Disputed calls be removed from all bills.
2. Future bill adjustment requests be made according to company practice.
3. Service and leased equipment charges be reduced to compensate for defects in service.
4. Billing adjustments be made for the time of service disconnection.
5. Charges for restoring service after disconnection be removed from the bill.
6. Copies of repair reports be made available upon request.
7. Pacific be ordered to cease further discrimination.
8. Costs incurred for preparation of the subject complaint be recovered by complainant.

Pacific answered the complaint stating it had made service adjustments totaling \$94.73 for the months of February, May, June, September, and October, 1983; that prior to January 1, 1984 complainant's equipment was leased from Pacific; after January 1, 1984 the equipment is leased from American Telephone and Telegraph Information Services (ATTIS) and equipment problems should be reported to ATTIS; all trouble reports were checked immediately; and that complainant's service was disconnected on November 30, 1983 and restored on December 8, 1983 after waiver of deposit requirement and partial payment of \$70. Except as admitted in the answer, Pacific denied the allegations in the complaint, believes complainant is not entitled to any relief, and requested that complaint be dismissed.

Defendants AT&T Communications of California (AT&T Communications) filed its answer on July 2, 1984 denying complainant was entitled to any relief because the allegations in the complaint concern only matters for which AT&T Communications has no responsibility and requested dismissal with prejudice.

In September AT&T Communications filed a motion to dismiss the complaint against it alleging that the complaint makes no reference to any act for which AT&T Communications could be held responsible and that complainant's concern is for intraLATA service provided by Pacific.

The matter was scheduled for hearing on August 21, 1984 in San Francisco. Complainant contacted the Commission on the morning of August 21, 1984 stating she would be unable to attend the hearing on that date and requested that the matter be continued to a date to be set. On August 22, 1984, the matter was rescheduled for hearing on October 29, 1984.

Hearing was held as noticed on October 29, 1984. The complainant failed to appear. Upon failure of the complainant to appear, counsel for Pacific moved for dismissal for failure to prosecute and that all monies on deposit with the Commission be released to Pacific. AT&T Communications joined in the motion to dismiss. ✓

Findings of Fact

1. Complainant filed this complaint on May 15, 1984 alleging discriminatory practices by Pacific, poor service, billing problems, and defective equipment.

2. Pacific's answer filed on June 21, 1984 denied the allegations and requested the complaint be dismissed and all money on deposit with the Commission be released to Pacific.

3. AT&T Communication filed its answer on July 2, 1984 denying that complainant was entitled to any relief because it is not responsible for the acts alleged in the complaint.

4. Hearing scheduled for August 21, 1984 was continued at the request of complainant.

5. Hearing was reset for October 29, 1984 in San Francisco.

6. Complainant failed to appear at the October 29, 1984 hearing and made no contact with the Commission or defendant Pacific.

7. Complainant's deposit of \$70 should be disbursed to Pacific.

Conclusion of Law

The complaint against Pacific Bell and AT&T Communication Services should be dismissed for lack of prosecution.

O R D E R

IT IS ORDERED that:

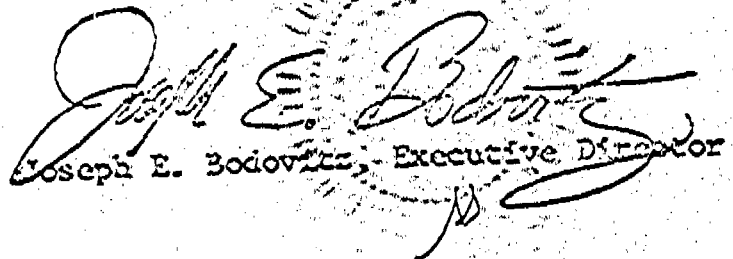
1. The complaint is dismissed with prejudice.
2. Complainant's deposit of \$70, and any other deposits made by complainant in connection with this complaint, shall be disbursed to Pacific Bell by the Executive Director.

This order becomes effective 30 days from today.

Dated DEC 5 1984, at San Francisco, California.

DONALD VIAL  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
WILLIAM T. BAGLEY  
FREDERICK R. DUDA  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS BODY.

  
Joseph E. Bodovitz, Executive Director

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