

Decision 88 05 050

MAY 25 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Telemarketing Communications of)
 San Luis Obispo (U-5085-C),)
)
 Complainant,)
)
 v.)
)
 Call America Business Communica-)
 tions Corporation (U-5055-C),)
)
 Defendant.)

Case 87-11-023
 (Filed November 19, 1987;
 amended January 25, 1988)

ORDER DISMISSING COMPLAINT AND AMENDED
 COMPLAINT WITH PREJUDICE

On November 19, 1987, complainant Telemarketing Communications of San Luis Obispo (TMC) filed its Complaint in this matter against defendant Call America Business Communications Corporation (Call America). On January 25, 1988, TMC filed its "First Amendment to Complaint and a Request for Immediate Cease and Desist Order" (the "Amended Complaint") against Call America. Call America filed its Answer to the Complaint and its Answer to the Amended Complaint on January 22, and February 26, 1988, respectively.

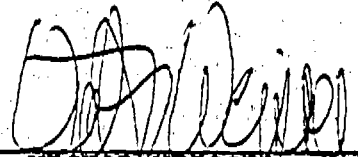
Since the filing of the Complaint, the Amended Complaint, and the Answers thereto, the parties have negotiated a complete settlement of all matters pertaining to the Complaint and the Amended Complaint. Pursuant to the settlement, the Parties have signed a "Stipulation of Dismissal with Prejudice," which provides that the Complaint and the Amended Complaint are to be dismissed with prejudice. The settlement is a compromise of claims and is not an admission of liability by either party to this proceeding. This order is in the form that the parties have proposed for a

dismissal with prejudice of the Complaint and the Amended Complaint. Both parties request that the Commission, through its Executive Director, approve this order.

The parties' Stipulation to the entry of this order provides that Call America shall acknowledge in the Order of Dismissal its awareness of the provisions of Commission General Order 96-A. Call America agrees to maintain its tariff schedule with this Commission in compliance with that order.

As the parties have now stipulated to such dismissal, the Complaint and the Amended Complaint should be, and hereby are, dismissed with prejudice under Public Utilities Code § 308 and Resolution A-4638, effective today.

Dated MAY 25 1988, at San Francisco, California.



VICTOR WEISSER
Executive Director

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



Victor Weisser, Executive Director