

ALJ/RAB/jt

Decision 90 02 005 FEB 07 1990

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Oasis Hotel, Inc., dba Oasis
Water Resort Villa Hotel,

Complainant,

v.

GTE California Incorporated,

Defendant.

Case 89-06-047
(Filed June 22, 1989)

No appearance for complainant.
Janet Wong, Attorney at Law, for GTE
California, defendant.

O P I N I O N

Complainant seeks to be relieved of paying the indebtedness of the previous user for Wide Area Telephone Service (WATS) line phone numbers to which complainant succeeded pursuant to defendant's supersedure tariff, Schedule Cal PUC No. C-1. Complainant has deposited the amount in dispute, \$4,738.89, with the Commission.

In May 1988 complainant superseded to the WATS lines of Cherokee Village Resorts (Cherokee). Defendant's supersedure tariff requires that the new customer assume all the outstanding indebtedness of the old customer. At the time of the supersedure Cherokee owed defendant \$4,738.89 for its WATS line. Complainant asserts that prior to its superseding to the service it was told by defendant that it did not have to pay the outstanding indebtedness of Cherokee. Defendant asserts that complainant was fully informed of its obligations under the supersedure tariff. Public hearing was set for December 18, 1989. Defendant appeared but complainant

did not. A telephone call was placed by the presiding officer to complainant, which informed the presiding officer that it would not appear.

Finding of Fact

Complainant was notified of the time and place of hearing and failed to appear.

Conclusion of Law

The complaint should be dismissed with prejudice and the money on deposit be paid to defendant.

O R D E R

IT IS ORDERED that the complaint is dismissed with prejudice and the Executive Director is directed to pay to defendant the money on deposit with the Commission in this case.

This order is effective today.

Dated FEB 07 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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

Wesley Franklun
WESLEY FRANKLUN, Acting Executive Director
AB