

Decision 91-03-050 March 22, 1991

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Lorell Feifer,)
)
 Complainant,)
)
 vs.)
)
 GTE California,)
)
 Defendant.)

ORIGINAL

Case 90-11-057
(Filed November 30, 1990)

O P I N I O N

On November 30, 1990, Lorell Feifer filed this complaint alleging that GTE California Incorporated (GTEC) had over an extended period of time billed her for hundreds of dollars in calls that had not been made from her telephone. She states that her complaints to GTEC have been unavailing.

In its answer, filed on January 7, 1991, GTEC denies all allegations of the complaint and alleges that all charges to complainant's account were correct. GTEC states that it has conducted five equipment investigations and several toll investigations of complainant's telephone service, and that the result of these investigations supports GTEC's position.

On January 10, 1991, the Commission's Office of Public Affairs (OPA) reported that complainant had discontinued her telephone service on December 10, 1990, and apparently had moved from her residence without leaving a forwarding address.. The OPA reported that complainant at the time of the move allegedly owed GTEC approximately \$2,639.

On January 15, 1991, the assigned administrative law judge (ALJ) sought to call complainant at the telephone number on her complaint and was advised that the number was no longer in service. On the same day, the ALJ wrote to complainant at the

address shown on the complaint asking that complainant write or call the Commission on or before February 1, 1991, to schedule a date for hearing. No response has been received.

It is, of course, incumbent upon a complainant under our Rules of Practice and Procedure (Rule or Rules) to provide an address at which the complainant may be reached, and to notify the Commission of any change in address so that complainant may be served during the course of a proceeding. (See, e.g., Rules 8.4 and 10.)

Since complainant here apparently has moved without leaving a forwarding address, and since attempts to communicate with complainant have been unavailing, we have no choice but to dismiss this complaint. We do so, however, without prejudice to complainant's right to refile the complaint should it develop that the failure to communicate with the Commission was inadvertent.

Findings of Fact

1. In a complaint filed November 30, 1990, Feifer alleges that GTEC has improperly billed her for hundreds of dollars in calls not made by her.

2. In an answer filed January 7, 1991, GTEC denies all allegations of the complaint and alleges that all charges to complainant's account are correct.

3. Complainant allegedly has discontinued her telephone service and moved from her residence without leaving a forwarding address.

4. Attempts by the assigned ALJ to communicate with complainant have been unsuccessful.

Conclusions of Law

1. It is incumbent upon a complainant to provide the Commission with an address at which the complainant may be reached.

2. This complaint should be dismissed without prejudice to complainant's right to refile should it develop that complainant's

failure to keep the Commission advised of her current address was inadvertent.

ORDER

IT IS ORDERED that Case 90-11-057 is dismissed without prejudice.

This order is effective today.

Dated March 22, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL WM. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, EXECUTIVE DIRECTOR