

ORIGINAL

Decision 82 12 004 DEC 1 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Paul Eye, Mountain Insurance)
 Agency, Inc.,)
)
 Complainants,)
)
 vs.)
)
 General Telephone Company of)
 California,)
)
 Defendant.)

Case 82-05-11
(Filed May 28, 1982)

ORDER OF DISMISSAL

The complaint alleges that: (1) defendant was requested to remove two speaker phones and replace them with regular 10-button phones; and (2) defendant removed the speaker phones but refused to install regular telephones and as of the date of the complaint, defendant still refused to install regular telephones as requested.

Complainants request an order that defendant be compelled to correct this error immediately.

In its answer, defendant admits that the 10-button telephones requested by complainants were not installed as originally scheduled due to erroneous information received from complainants' employee. Defendant alleges that the phones were installed on May 28, 1982 and the matter has been resolved. Defendant therefore requests that the complaint take nothing by its complaint and that it be dismissed.

On or about September 20, 1982 the administrative law judge (ALJ) discussed the matter by telephone with Mrs. Eye, spouse of complainant Eye, and an employee of complainants. She indicated to the ALJ that the subject matter of the complaint had been resolved and that there was no reason for this matter to go to formal hearing. The ALJ requested that a letter be directed to the Commission requesting that the complaint be withdrawn or dismissed. A confirmation letter of this conversation was mailed to complainants on September 24, 1982 and the ALJ indicated that no response had been received from complainants. Complainants were advised that they were being granted 15 days within which to communicate with the ALJ either their desire to pursue the matter by way of formal hearing or that it be dismissed. Failure to receive a response within the 15-day period would be deemed consent by complainants to having the complaint dismissed. No response has been received from complainants to date.

Findings of Fact

1. The subject matter complained of in the complaint has been resolved by the parties.
2. By their silence, following notice, complainants consent to having their complaint dismissed.

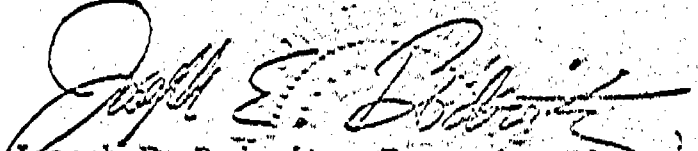
Conclusion of Law

The Commission concludes that the complaint should be dismissed.

IT IS ORDERED that Case 82-05-11 is dismissed.
This order becomes effective 30 days from today.
Dated DEC 1 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bedovitz, Executive Director