

Decision 83 12 044 DEC 20 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Edward P. Castel,

Complainant,

vs

Pacific Telephone and Telegraph
Company,

Defendant.

Case 83-08-06
(Filed August 16, 1983)

Carol Elizabeth Frizzell, for The
Pacific Telephone and Telegraph
Company, defendant.

ORDER OF DISMISSAL

This complaint was filed on August 16, 1983 alleging that defendant unlawfully disconnected complainant's telephone service without prior notice. Defendant's answer was filed on September 19, 1983. It alleged that defendant's action was required under the provisions in its tariff which provide for the action to be taken where "the acts of a customer...or the conditions upon his premises are such as to indicate intention to defraud the utility." (Cal. PUC No. 36-T, Rule 11 A.5 and 7.)

A public hearing was scheduled and held in San Francisco on November 10, 1983. Complainant did not attend or send a representative, nor did he advise the Commission of the reason for his absence. The Commission file reveals that defendant's answer and the Commission's Notice of Hearing were mailed to complainant at the address provided in his complaint. The documents mailed have not been returned and the Commission has not been advised that complainant has moved.

Complainant has failed to prosecute his action and the complaint should be dismissed, with prejudice.

IT IS ORDERED that the complaint in Case 83-08-06 is dismissed, with prejudice.

This order becomes effective 30 days from today.

Dated DEC 20 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

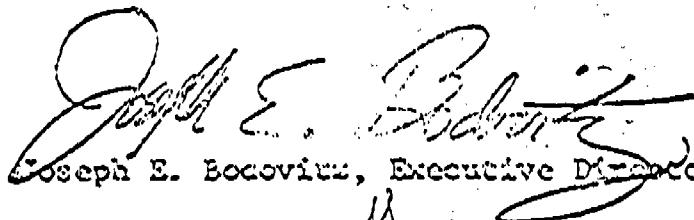
FRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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


Joseph E. Bodovius, Executive Director