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ORIGINAL

Decision No. 88546 MAR 7 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CAUSE (Campaign Against Utility )  
Service Exploitation), )

Complainant, )

vs. )

PACIFIC TELEPHONE & TELEGRAPH )  
COMPANY, )

Defendant. )

Case No. 10185  
(Filed September 30, 1976)

ORDER OF DISMISSAL

Complainant, a coalition of individual ratepayers, seeks to have defendant's single message rate timing (SMRT) service declared "null and void as either discriminatory, unjust or unreasonable" and have all monies collected from SMRT refunded to ratepayers, plus other relief. Proceedings on this complaint were held in abeyance pending hearings on other applications and cases which involve the same question. In Application No. 55492, a general rate increase application of defendant, the Commission conducted extensive hearings into the issues of whether SMRT should be instituted, whether it should be instituted for residential or business customers or both, what form the service should take, and what rates should be charged. Decision No. 87584 dated July 12, 1977 in Application No. 55492 went into all of these issues in a thorough and complete manner. Complainant participated in Application No. 55492 and requested, and was granted, a special day of the hearing so that it could specifically cross-examine defendant's expert witness on the SMRT issue. Complainant has had its day in court on this issue; no useful purpose would be served by relitigating these matters at this time. Defendant has filed a notice of intent to increase rates and that matter should be going to hearing

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in the near future. If there are continued problems with SMRT, those problems can be addressed in that hearing.

IT IS ORDERED that the complaint is dismissed.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 7th  
day of MARCH, 1978.

Robert Bateman  
President  
William S. Jones Jr.  
Vernon L. Sturgeon  
Charles P. Hinkle  
Clare J. DeWitt  
Commissioners