

Decision No. 88926

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumers Lobby Against Monopolies,)
 David L. Wilner, In Pro Per,)
)
 Complainant,)
)
 vs.)
)
 The Pacific Telephone and)
 Telegraph Company, A California)
 Corporation,)
)
 Defendant.)

Case No. 10066
(Filed March 6, 1976)

ORDER DENYING REHEARING OF DECISION NO. 88533

A petition for rehearing having been filed by Consumers Lobby Against Monopolies, David L. Wilner, in pro per, and the Commission having considered said petition and being of the opinion that no good cause for rehearing has been made to appear,

IT IS ORDERED that rehearing of Decision No. 88533 is hereby denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California this 31st day of MAY, 1978.

*I concur:
See attached
Charles W. Goodrich*

Robert Bateman
 President
William J. ...
Vernon L. ...
Charles W. Goodrich

Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

C. 10066
D. 88926

RICHARD D. GRAVELLE, Commissioner, Concurring:

I concur. Since Decision No. 88533 was issued, the complainant and Pacific Telephone stipulated that:

"In consideration of this release, The Pacific Telephone and Telegraph Company agrees that, after dismissal of the above-mentioned P.U.C. Case No. 10066, it will allocate the sum of \$400,000 from the earned surplus of the Company in accordance with a plan which the Company will file with the CPUC for their concurrence."

("Agreement of Compromise And Release" attached to "Request for Dismissal of Complaint", filed May 8, 1978, in Case No. 10066.)

Although Mr. Wilner was successful in settlement of his complaint and \$400,000 will in some way be used to benefit California's ratepayers (for example, an adjustment to rate base), I am still of the opinion it is up to the Legislature or the Supreme Court to direct the Commission to provide attorney fees (with attendant guidelines and criteria).


RICHARD D. GRAVELLE, Commissioner

San Francisco, California
May 31, 1978