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ORIGINAL

Decision No. 89123 JUL 25 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JACK REINSTEIN,

Complainant,

vs.

PACIFIC TELEPHONE,

Defendant.

(ECP)
Case No. 10553
(Filed April 26, 1978)

ORDER OF DISMISSAL

This is an Expedited Complaint Procedure pursuant to Rule 13.2 of the Rules of Practice and Procedure and Section 1702.1 of the Public Utilities Code.

The complaint and prayer state:

"On April 18, 1978 I was advised of a rate increase effective March 15, 1978 for equipment that is available for 6 button phones that is not installed on the 6 button phones that I have in my home. I contacted the Phone Company and told them that since they were charging me for the equipment they should send someone in to install same. The Phone Company said that they are unable to install the equipment (lights) at this time and were not able to give me an installation date.

"Wherefore, complainant requests an order that no increase be permitted until the Phone Company is able to install the lights, that any amounts charged from March 15, 1978 till installation be refunded, and that, in addition, I receive $50 to cover my costs of filing this claim."

Defendant's answer admitted the allegations of the complaint, alleged that the prayer had been satisfied except for the demand for $50 costs, and also moved to dismiss.

No public hearing was held. Administrative Law Judge Wright discussed the matter with complainant by telephone, obtaining complainant's assurance that his complaint, except for costs, had been satisfied. The Administrative Law Judge advised complainant that the Commission had no jurisdiction to award costs and complainant, after conferring with his attorneys, telephoned the Administrative Law Judge to say that he was agreeable to a dismissal which included a recitation of the facts.

IT IS ORDERED that the complaint for costs is dismissed for want of jurisdiction and balance of the claim is dismissed as being moot.

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

Dated at San Francisco, California, this 25th day of JULY, 1978.

Robert Batinovich
President
William Symons, Jr.
Vernon L. Sturgeon
Richard D. Gravelle
Claire T. Dedrick
Commissioners