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ORIGINAL

Decision No. 89253 AUG 22 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JACK AND JOYCE DAVIS,)
)
 Complainants,)
)
 vs.)
)
 CONTINENTAL TELEPHONE COMPANY)
 OF CALIFORNIA,)
)
 Defendant.)

Case No. 10555
(Filed April 27, 1978)

CONDITIONAL ORDER OF DISMISSAL

The main thrust of this lengthy complaint is to place before the Commission the grievance of a former employee of the defendant.

In its answer filed June 16, 1978 defendant correctly points out that the various statements made in the complaint regarding employee relations matters and personal activities of one of defendant's employees are not germane to the two potential causes of action within the jurisdiction of the Commission raised in the complaint. Those two matters relate to the disconnection of complainants' telephone service in July 1977 and telephone monitoring procedures. Concerning the former, defendant states, and there are no facts alleged in the complaint to the contrary, that the disconnection complied in all respects with defendant's filed tariffs and law. Concerning the latter, defendant states that it has investigated the matter fully with members of the Commission staff and that any monitoring has been and is conducted in accordance with law.

Complainants will be provided with an opportunity to amend their complaint to eliminate those portions of the complaint dealing with the employee relations matters and the personal activities of one of defendant's employees, and to set out fully facts concerning the disconnection of service and the telephone monitoring. If that is done on a timely basis, the order of dismissal which follows is rendered inoperative.

IT IS ORDERED that Case No. 10555 be dismissed without further order of the Commission unless complainants file an amended complaint as indicated hereinabove within fifteen days after the effective date of this order.

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

Dated at San Francisco, California, this 22nd day of AUGUST, 1978.

Robert Bateman
President
William J. Brown
Vernon L. Sturgeon

Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

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