

PP/nb

Decision No. 89331 SEP 6 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROGER GHENO,

Complainant,

vs.

PACIFIC TELEPHONE COMPANY,

Defendant.

(ECP)

Case No. 10513

(Filed March 6, 1978)

O P I N I O N

The complaint alleges that someone broke an upstairs window to extend a telephone cable into premises owned by complainant; he requests that defendant remove this cable, along with an unsightly telephone box, and that he be reimbursed for damage caused by rain blowing through the window. Defendant's representatives had agreed to remove the box and rewire the premises; this work was completed after some delay due to complainant's failure to provide access. Defendant filed a Motion to Dismiss on May 18, 1978, arguing that the complaint had been satisfied and that no further relief was due from defendant. Complainant telephoned the Commission on May 23, 1978 to request a hearing on the basis that there were still issues to consider.

The parties agreed to the expedited complaint procedure and a hearing was scheduled in San Francisco on June 2, 1978. Complainant's wife contacted the Commission an hour before the hearing to advise that complainant had bronchitis and could not attend. The matter was continued to July 7, 1978 in San Francisco before Administrative Law Judge Fraser. Complainant did not appear and failed to advise of the reason for his absence. He has not communicated with this Commission since the date of hearing.

It is evident that this case should be dismissed since complainant is unwilling to proceed with the presentation of his case.

O R D E R

IT IS ORDERED that Case No. 10513 is dismissed.

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

Dated at San Francisco, California, this 6th day of SEPTEMBER, 1978.

Robert Batistich
President
William Brown, Jr.
George L. Stenberg
Clair T. Dedrick

Commissioners

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