

Decision No. 89334 SEP 6 1978

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HUGH J. LYNCH, JR.

Complainants,

vs.

PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, GENERAL TELEPHONE COMPANY  
OF CALIFORNIA,

Defendants.

Case No. 10565  
(Filed May 11, 1978)

ORDER OF DISMISSAL

Complainant alleges that defendants are in violation of General Order No. 133 in that by the use of directory assistance recordings, the standards for holding time for a telephone call are violated. He further alleges (1) that the use of such recordings is allowed without considering the inconvenience caused to telephone subscribers, and (2) that the use of such recordings is a disguised form of rate increase.

Hearings on the issues associated with the use of such recordings were held in Application No. 55492 and Case No. 10001, an application for rate relief by The Pacific Telephone and Telegraph Company (Pacific) and the associated Commission investigation into such rates. General Telephone Company (General) was a respondent in Case No. 10001.

The issues associated with the use of such recordings, including those issues specifically raised in the complaint herein, were fully considered at that time (see Decisions Nos. 85487 (dated February 18, 1976), 86593 (November 2, 1976), and 88232 (December 13, 1977)) and, as a result, Pacific is authorized to use such recordings. General subsequently received authorization to employ this type of recorded message (Resolution No. T-9658 dated June 28, 1977).

We therefore find that this complaint is superfluous and fails to state a cause of action against either defendant.

IT IS ORDERED that this complaint 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 Bateman  
President  
William J. ...  
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...

Commissioners

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