

ORIGINAL

Decision No. 89335 SEP 6 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DR. HAMED BURKAN,
Complainant,

(ECP)
Case No. 10569
(Filed May 12, 1978)

vs

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,
Defendant.

C. F. Berdenbach, for The Pacific Telephone
and Telegraph Company, defendant.

O P I N I O N

The complaint alleges that complainant received a telephone call from a representative of defendant and the latter advised complainant's check was dishonored by the bank due to differing amounts, \$206.52 on numbers line and "two hundreds and 52/100 dollars" on the line where the amount appears in writing. It further alleges that defendant refused to return the check and demanded that complainant appear in person to redeem it and that complainant refused and his telephone service was disconnected, although the dishonored check was subsequently returned to him. The complainant requests that his telephone service be restored and that he receive an apology from the defendant.

Defendant's answer was filed on June 16, 1978. It alleges that complainant became a residential telephone subscriber on February 1, 1978; that the first bill was \$208.74 and a denial notice was mailed on April 5, 1978 after no payment was

received; that an adjustment was made, reducing the balance owed to \$206.42 and a check was received for that amount on April 13, 1978; that the check was returned by the bank as explained above and complainant demanded that it be returned to him without delay; that defendant's representatives advised complainant should write a new check, prior to return of the other check, to avoid disconnection of his telephone service for nonpayment. The complainant refused and his service was disconnected on April 21, 1978. The final bill totaled \$477.68, which included the months of February, March, and April, 1978. No payments were received by the defendant up to June 29, 1978, when a hearing was held in San Francisco before Administrative Law Judge Fraser. Complainant did not appear and did not communicate with this Commission, either before or after the hearing, to explain his absence. Defendant had two witnesses available to testify. Both parties had agreed prior to the hearing to the Expedited Complaint Procedure.

Complainant's request should be denied due to his failure to appear in support of his complaint.

O R D E R

IT IS ORDERED that complainant is denied any relief.

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.

Roluit Butwinich
President

William Aguirre
James L. Ferguson
Charles W. Hoyle

Commissioners

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