

ORIGINAL

Decision No. 89458 OC 3 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RICHARD A. BARD,)
 Complainant,)
 vs.)
 PACIFIC TELEPHONE AND TELEGRAPH)
 COMPANY,)
 Defendant.)

Case No. 10576
(Filed May 19, 1978)

OPINION AND ORDER

The complaint filed in this proceeding is one short paragraph in length. It alleges that a collect call was made by complainant on May 11, 1978 and that one of defendant's Walnut Creek telephone operators advised complainant on how to make collect calls in the future. Complainant thereupon prays that this Commission order defendant's telephone operators to cease and desist from "instructing callers who do not conform to defendant's standard of customer behavior".

Defendant's answer alleges that 35 operators were on duty at the time of complainant's call and that the operator who received the call has not been identified. It is alleged that no entries were made in the "trouble call log" on complainant's call, which indicates that the receiving operator considered it ordinary at the time. It is further alleged that on collect calls operators inform the initiating party that it should always be first identified as a collect call. Defendant's answer includes a request for dismissal on the ground that the complaint is frivolous and does not allege any violation of law, rule, or duty, or indicate that complainant was affected or inconvenienced.

Complainant's pleading does not state a cause of action. There are no allegations of improper conduct. Complainant was merely informed of the correct way to make a long distance collect call. The complaint should be dismissed.

IT IS ORDERED that Case No. 10576 is dismissed.

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

Dated at San Francisco, California, this 3rd day of OCTOBER, 1978.

Robert Butwin
President
William J. Quinn
Virginia L. Sturgeon
Richard D. Hoar
Clair T. DePaul
Commissioners