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Decision No. 89523 OCT 17 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MICHAEL S. SIMMS, Complainant, vs. PACIFIC TELEPHONE AND TELEGRAPH COMPANY, Defendant.	Case No. 10464 (Filed November 16, 1977)

ORDER OF DISMISSAL

The complainant filed this complaint seeking an order requiring the defendant to convert his telephone so that he could avail himself of the use of International Direct Distance Dialing (IDDD) service. In addition, the complainant sought reparation in the sum of $60 for service which he alleged he paid for but did not receive, and a rebate for the difference between IDDD charges and operator assisted charges for his overseas telephone calls. A hearing was held before Administrative Law Judge James Tante in Los Angeles on February 21, 1978, pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure and the matter was submitted on that date. The Commission issued Decision No. 88656 in the matter in which all relief was denied on April 4, 1978. On July 11, 1978 the Commission rendered an order on the complainant's application for rehearing (Decision No. 89088). In that order the Commission granted a limited rehearing of Decision No. 88656 on the sole issue of reparation in the sum of $60, after concluding that good cause was not shown for rehearing on the issue of IDDD.

On August 25, 1978 the defendant filed a Motion to Dismiss, a copy of which was served upon the complainant, wherein the defendant alleges it has satisfied that portion of the complaint upon which rehearing was granted. The defendant alleges that it had contacted the complainant in an attempt to resolve the matter and advised the complainant that an adjustment in the sum of $60 had been applied to the complainant's bill. According to the allegations of the defendant in its Motion to Dismiss, the complainant informed the defendant that said adjustment failed to satisfy his complaint in that he wishes to have further testimony and findings on the issue of IDDD.

Findings of Fact

1. The complainant filed a complaint on November 16, 1977 wherein he sought reparation in the sum of $60 for service paid for but not received and a rebate for IDDD charges.

2. A hearing was held on February 21, 1978 and Decision No. 88656 was issued by the Commission on April 4, 1978 denying any relief.

3. The complainant filed an application for rehearing on May 11, 1978 and the Commission rendered an order in Decision No. 89088 on July 11, 1978 granting a limited rehearing on the sole issue of reparation in the sum of $60 for service paid for but allegedly not received.

4. The defendant, in an attempt to resolve the matter, has granted an adjustment credit of $60 to the complainant's bill.

It is, therefore, concluded by the Commission that since the defendant has satisfied the complaint upon which the Commission had ordered a limited rehearing, the matter is rendered moot and the complaint should be dismissed without further hearing.

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IT IS ORDERED that Case No. 10464 is dismissed.

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

Dated at San Francisco, California, this 17th day of OCTOBER, 1978.

President

Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.