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Decision No. 89587 OCT 31 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FAYE WILLARD,
 Complainant,
 vs.
 GENERAL TELEPHONE DIRECTORY
 COMPANY,
 Defendant.

Case No. 10634
(Filed July 20, 1978)

ORDER OF DISMISSAL

The complaint names General Telephone Directory Company (Directory Company) as the sole defendant. On August 2, 1978, Directory Company filed a motion to dismiss on the ground that it is not a utility subject to the jurisdiction of the Commission. On August 31, 1978, the assigned Administrative Law Judge wrote to complainant's attorney and indicated that: 1. The motion of Directory Company appeared to be correct. 2. General Telephone Company of California was a utility subject to the jurisdiction of the Commission. 3. Complainant would be afforded an opportunity to file an amended complaint to name General Telephone Company of California as a defendant if there were facts which so warranted. The assigned ALJ indicated that complainant would have until September 15, 1978, in which to file an amended complaint. No amended complaint has been filed.

The Commission makes the following findings and conclusions.

Findings of Fact

1. Section 1702 of the Public Utilities Code confers upon the Commission jurisdiction to entertain complaints against public utilities.

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2. Directory Company is not a public utility as defined in the Public Utilities Code.

3. Complainant was afforded an opportunity to file an amended complaint but has not so done.

Conclusion of Law

The complaint should be dismissed for lack of jurisdiction.

IT IS ORDERED that Case No. 10634 is dismissed for lack of jurisdiction.

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

Dated at San Francisco, California, this 31st day of OCTOBER, 1978.

Robert Bakumich
President
William S. Brown, Jr.
Thomas L. Sturgeon
Richard D. Havelle
Clare T. Smith
Commissioners