

Decision No. 89627 NOV 9 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LAWRENCE J. ARONSON, D.D.S.,
Complainant,

vs.

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY,
Defendant.

(ECP)
Case No. 10638
(Filed July 25, 1978)

ORDER OF DISMISSAL

Complainant is a dentist with offices in Novato in northern Marin County. In his complaint he states that he opened his office there in November 1977 and made arrangements to have his name, office address, and office telephone listed in the yellow pages in defendant's Marin County telephone book.

Defendant's answer points out, and our official records indicate, that complainant's office (in the 897 prefix area) is actually furnished telephone service by General Telephone Company of California, not a party to this proceeding. Defendant's Marin County directory covers all of Marin County except for most of Novato.

According to the complaint, defendant listed complainant's name and address correctly, but inserted a telephone number for a residence in Sausalito. According to the answer, defendant contacted the subscriber to the Sausalito number in an attempt to work out a "split referral" and the subscriber would not agree to such an arrangement. Complainant alleges that since most of his patients are not from the Novato area, this resulted in business loss. According to the answer, defendant compensated complainant for the error by a 100 percent adjustment of the yellow pages charges.

The facts in the foregoing paragraph are apparently not in dispute. Complainant, however, seeks \$750 for loss of business as a result of the error, while defendant maintains it has given complainant

the maximum recovery permitted under its tariff Schedule Cal PUC No. 36-T, Rule No. 14.

The Legislature has not given the Commission jurisdiction to award damages. (See Mak v Pacific Tel. & Tel. Co. (1971) 72 CPUC 735, and cases cited therein.) Defendant has made a 100 percent adjustment for the advertising charges. We could order reparations for diminution of value of complainant's basic exchange service if defendant provided that service, but the service is provided by another company that has no connection with defendant.

We therefore cannot afford the complainant any more relief than has already been provided by defendant, and find that his complaint fails to state a cause of action for this Commission.

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 9th day of NOVEMBER, 1978.

Robert Bateman
President

William S. ...

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Commissioners