Decision No. _____ 90149 _____   APR 10 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FAYE WILLARD,   )
)
            Complainant,   )
)
        vs   )   Case No. 10712
)   (Filed January 22, 1979)
GENERAL TELEPHONE COMPANY OF   )
CALIFORNIA and GENERAL TELEPHONE)
DIRECTORY COMPANY,   )
)
            Defendants.   )
_____)

ORDER DISMISSING PARTY

Complainant previously filed a similar complaint against defendant General Telephone Directory Company. In Decision No. 89587 in Case No. 10634, entered on October 31, 1978, the Commission indicated that if a cause of action existed it was against General Telephone Company of California, a utility subject to the jurisdiction of the Commission. In Decision No. 89587 the Commission made the following findings, conclusion, and order:

"Findings of Fact

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

"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."

Decision No. 89587 has become final.

The present complaint names General Telephone Company of California and General Telephone Directory Company as defendants. The Directory Company has filed a motion seeking to be dismissed as a party defendant. The motion is based upon Decision No. 89587 and the same lack of jurisdiction arguments asserted in Case No. 10634.

The Commission finds and concludes that the motion is well taken and should be granted.

IT IS ORDERED that General Telephone Directory Company is hereby dismissed as a party defendant in Case No. 10712. The caption in further filings in this matter shall not include it as a party.

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

Dated at _____San Francisco_____, California, this ___10th___ day of ___APRIL___, 1979.

_____
President

_____
_____
_____
_____
Commissioners