

ORIGINAL

Decision No. 91193 JAN 8 - 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

J. D. Rowell,  
Complainant,  
vs.  
The Pacific Telephone and  
Telegraph Company,  
Defendant.

Case No. 10751  
(Filed June 5, 1979)

ORDER OF DISMISSAL

Complainant, J. D. Rowell, requests an order permitting him to keep his residential party line service in Sacramento. He states that the elimination of his party line service is not satisfactory to him because the alternative service is not as good as his present service, that he was not given notice of hearings, and that the alternative service will cost more money if used to the same extent that he uses his residential party line service.

Defendant, The Pacific Telephone and Telegraph Company, in its answer and motion to dismiss states that since the elimination of party line service was required by Decision No. 83162, the complaint does not state a cause of action against defendant and should be dismissed.

The assigned Administrative Law Judge, by letter dated August 28, 1979, advised complainant to state by September 12, 1979 whether or not he would proceed with a hearing, present testimony, and show a cause of action as required by Public Utilities Code Section 1702. Further, complainant was informed that an order would be drafted dismissing the complaint if he should decide not to proceed with the hearing. No response has been received from complainant.

Having given complainant ample time to state whether or not he would proceed with testimony and state a cause of action, we conclude that the motion to dismiss should be granted.

IT IS ORDERED that the motion to dismiss is granted and Case No. 10751 is dismissed.

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

Dated JAN 8 - 1980, at San Francisco, California.

*John E. Conroy*  
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President

*Veronica L. Pittenger*  
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*Michael D. Swank*  
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*Charles J. DeLoach*  
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*James H. ...*  
\_\_\_\_\_  
Commissioners