

mbh

Decision No. 91306 JAN 29 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MICHELLE MACLEOD. dba MICHE I, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 GENERAL TELEPHONE COMPANY OF )  
 CALIFORNIA, a corporation, )  
 )  
 Defendant. )

Case No. 10684  
(Filed October 30, 1978)

ORDER GRANTING REHEARING

Complainant Michelle MacLeod, dba Miche I, has filed a petition for rehearing of Decision No. 91025, issued November 20, 1979, alleging that she suffered prejudice from the fact that she was not permitted to have counsel at the hearing convened for this proceeding. We agree.

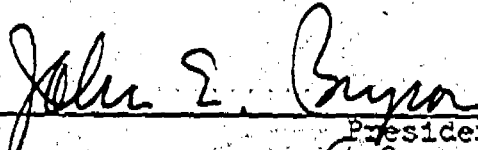
The complaint properly notes the Rule 13.2(b) of the Commission's Rules of Practice and Procedure states, "No attorney at law shall present any party other than himself under the Expedited Complaint Procedure."<sup>\*</sup> The complainant filed her complaint believing it to be an action brought pursuant to the Expedited Complaint Procedure (ECP); indeed, her handwritten pleading appears on the form complaint provided by the Commission to the public for such actions. Nevertheless, General Telephone Company of California (General) appeared with counsel. It was at the hearing, when the complainant was confronted by General's attorneys, that the complainant first learned that her complaint was not to be prosecuted under the ECP rules. In fairness to the complainant, we are of the opinion that she should have the same opportunity afforded to the defendant to present her case with the assistance of counsel; therefore,

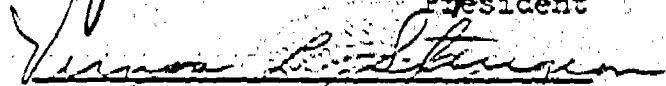
<sup>\*</sup> Rule 13.2, which sets forth the collective rules known as the "Expedited Complaint Procedure", "...is applicable to complaints against any...telephone company where the amount of money claimed is \$750 or less." Defendant General has never disputed the applicability of Rule 13.2 to the instant proceeding.

IT IS ORDERED that rehearing of Decision No. 91025 be granted.  
IT IS FURTHER ORDERED that, pursuant to Rule 13.2(h), the  
rehearing be conducted under the Commission's regular hearing  
procedure.

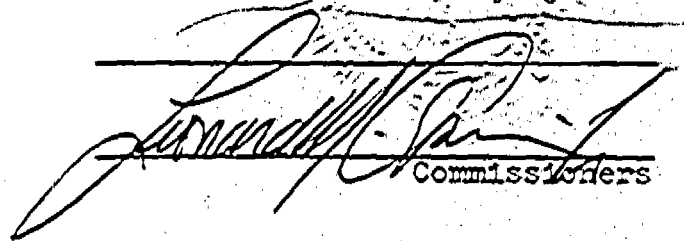
The effective date of this order is the date hereof.

Dated JAN 29 1966, at San Francisco, California.

  
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President

  
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\_\_\_\_\_  
Commissioners

Commissioner Claire T. Dedrick, being  
necessarily absent, did not participate  
in the disposition of this proceeding.