

EA

91423

Decision No. _____

MAR 18 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

B. Benedict Waters,)
)
 Complainant,)
)
 vs.)
)
 Pacific Telephone Company,)
)
 Defendant.)

(ECP)
 Case No. 10724
 (Filed March 1, 1979)

Gerald V. Ryan, Jr., for defendant.

ORDER OF DISMISSAL

Complainant sought restoration of his telephone service in this proceeding. Defendant seeks payment of a \$56.36 bill plus a restoration charge and a deposit before restoring service to complainant.

A Notice of Hearing dated January 16, 1980 was mailed to the parties. Along with the Notice of Hearing, the following letter from the Commission's calendar clerk was sent to Mr. Waters:

"Since we are unable to contact you by phone, the Commission has set the above entitled matter for hearing at 10:00 a.m., Monday, February 4, 1980 in Los Angeles at the State Bldg., 107 So. Broadway. If this date does not meet with your approval, please contact me at (415) 557-0460 no later than January 30, 1980."

On January 21, 1980 an Administrative Law Judge's (ALJ) Ruling classifying the complaint under the Expedited Complaint Procedure was mailed to the parties. Mr. Waters did not respond to any of the above-mentioned letters. None of the letters were returned to the Commission.

The hearing on this dispute was convened at 10 a.m. on February 4, 1980. Mr. Ryan submitted an appearance for defendant. At 10:10 a.m. a recess was called to accommodate a possible late arrival by complainant. The hearing was reconvened at 10:40 a.m. and was submitted without the taking of evidence. Complainant did not communicate with the ALJ on February 4, 1980.

The complaint should be dismissed for lack of prosecution by complainant.

IT IS ORDERED that Case No. 10724 is dismissed.

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

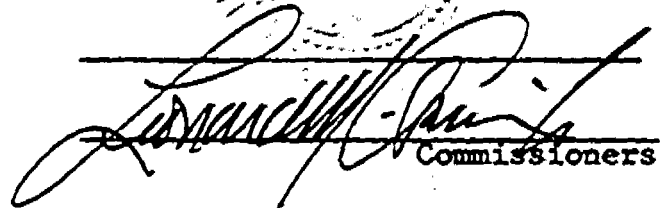
Dated MAR 18 1980, at San Francisco, California.



President







Commissioners

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