

91706

APR 15 1980

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALFRED BERGER dba COLUMBUS PRESS,)

Complainant,)

vs.)

PACIFIC TELEPHONE AND TELEGRAPH)
COMPANY,)

Defendant.)

Case No. 10786
(Filed September 19, 1979)

ORDER MODIFYING DECISION NO.
91270 AND DENYING REHEARING

A petition for rehearing of Decision No. 91270 has been filed by the Complainant in this proceeding. We have carefully considered the allegations of error in that petition and are of the opinion that good cause for granting rehearing has not been shown.

In reaching that conclusion, we have applied our usual policy of being very liberal as to procedural matters when dealing with a complaint against a utility by one of its customers. A complaint will not be dismissed where some genuine grievance is shown even though the pleadings may not comply in every respect with our rules.

However, in this instance, the complaint is insufficient to enable the Commission to determine what the Complainant expects to show or to give the Defendant notice of what allegations it must answer. Proceeding to a hearing under such circumstances would be a futile act.

Nonetheless, the Complainant should be given the opportunity to amend his complaint to state a cause of action and to cure the defects we noted in Decision No. 91270. Therefore,

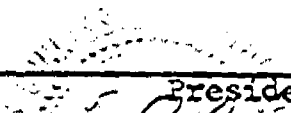
IT IS HEREBY ORDERED that the order in Decision No. 91270
is modified to read:

"IT IS ORDERED that the complaint is dismissed
without prejudice."

Rehearing of Decision No. 91270 as modified herein is
denied.

The effective date of this order is the date hereof.

Dated APR 15 1980, at San Francisco, California.



President
Jerome L. Steinman

Robert W. Lowell

Robert T. Delgado

John E. Bryson
Commissioners

Commissioner John E. Bryson,
being necessarily absent, did
not participate.