

Decision No. 91742

MAY 6 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Parts Locator, Inc.,  
Complainant,

vs

The Pacific Telephone  
and Telegraph Company,  
Defendant.

Case No. 10772  
(Filed August 21, 1979)

William L. Knecht, Attorney at Law,  
for complainant.  
Margaret deB. Brown, Attorney at Law,  
for defendant.

ORDER OF DISMISSAL

On August 21, 1979 complainant filed the instant complaint which in substance alleges that defendant has failed to render prompt and accurate billings for services provided and that defendant is unable to provide prompt and accurate statements for services rendered.

On September 24, 1979 defendant filed its answer denying the substantive allegations of the complaint. In its answer defendant sets forth seven separate defenses. Three of the defenses are as follows: (1) The complaint is defective in that it fails to comply with Rule 10 of the Commission's Rules of Practice and Procedure; (2) the complaint fails to comply with Section 1702 of the Public Utilities Code; and (3) the issues complained of were disposed of in Decision No. 90640 which denied rehearing of Decision No. 90260 in Case No. 10490 which was another complaint filed by the complainant herein against the defendant herein. Since we are not entering a decision with respect to the validity of the remainder of the defenses raised by defendant, they need not be repeated herein.

On February 7, 1980 defendant filed its motion to dismiss the complaint based upon the three defenses enumerated above. On February 13, 1980 a prehearing conference was held before Administrative Law Judge O'Leary at which time the merits of the motion to dismiss were argued by counsel for the parties.

Careful review of the complaint discloses that the complaint is drawn in such general terms that it fails to comply with Rule 10 of the Commission's Rules of Practice and Procedure and Section 1702 of the Public Utilities Code.

The Commission finds and concludes that the instant complaint does not comply with Rule 10 of the Commission's Rules of Practice and Procedure and Section 1702 of the Public Utilities Code. The Commission further concludes that the complaint should be dismissed without prejudice.

IT IS ORDERED that the complaint in Case No. 10772 is dismissed without prejudice. ✓

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

Dated MAY 6 1980, at San Francisco, California.

John G. Guyon President  
Wesley L. Strayer  
Richard W. Howell  
Chaire J. Pedrigs  
Samuel J. James Commissioners