

ORIGINAL

Decision 93734 NOV 13 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Audio Alarm Systems, Inc.,)
Audio Alarm Systems of the Inland)
Empire, Inc., Audio Alarm Systems)
of the San Gabriel Valley, Inc.,)
and Audio Alarm Systems of Greater)
Los Angeles, Inc.,)

Complainants,

vs.

Pacific Telephone Company,

Defendant.

Case 10914
(Filed October 1, 1980)

ORDER OF DISMISSAL

Complainants filed this complaint on October 1, 1980. Defendant filed its answer on November 10, 1980 and the matter was set for hearing on January 6, 1981. The matter was reset first for February 9, 1981 and then for April 20, 1981. On April 14, 1981 the matter was temporarily removed from the calendar at the request of defendant with the understanding that it would be reset after a meeting of bankruptcy creditors scheduled for May 4, 1981.

By letter dated July 2, 1981 defendant informed this Commission that complainants' bankruptcy attorney was given permission to withdraw from representation of complainants in May 1981 and that defendant does not know when, if ever, anyone will pursue this matter on behalf of complainants.

Defendant has also informed the Commission that complainants filed bankruptcy under Chapter 11 of the Bankruptcy Act in June 1980, owing defendant \$60,000 for private line and exchange services at that time.

J. W. McClain, complainants' president, continued to operate complainants' business as debtor in possession, and defendant provided services to the debtor in possession upon receipt of payment for current bills.

In July 1980 the debtor in possession began making all monthly payments for private line circuits to the Commission. In view of the bankruptcy and large sum owed by complainants, defendant would not have continued to provide service to the debtor in possession without prompt payment of current bills. A total of \$49,319.14 was deposited with this Commission with \$3,500 still due defendant from the debtor in possession.

Defendant states that effective March 1, 1981 the debtor in possession superseded the telephone service to a new entity known as Audio Security, Inc., completely divorced from J. W. McClain.

The amount on deposit was for service rendered after bankruptcy was filed and does not relate to the amount claimed to be owed defendant by complainants. Commission correspondence addressed to complainants for the purpose of ascertaining the status of the matter has remained unanswered for over two months.

IT IS ORDERED that:

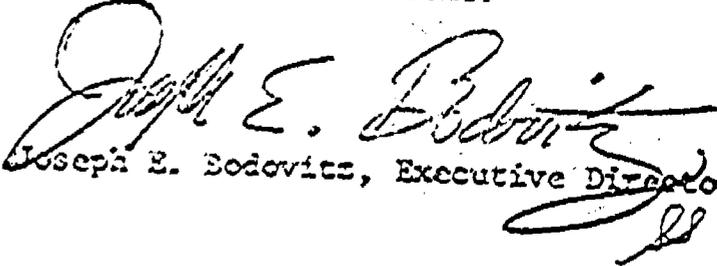
1. Case 10914 is dismissed.
2. The deposits by complainants in the amount of \$49,319.14, and any other sums deposited with this Commission by complainants with respect to this complaint, shall be disbursed to The Pacific Telephone and Telegraph Company.

This order becomes effective 30 days from today.

Dated NOV 13 1981, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. CRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director