

Decision 97-06-101 June 25, 1997

JUN 25 1997

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Jet Investments, Inc., dba  
Point Marina Inn,

Complainant,

vs.

Pacific Bell (U-1001-C), AT&T, Heartline  
Communications, Texas AmTel, American TelNet,  
FTT, Integretel, and CTS,

Defendants.

**ORIGINAL**

Case 96-05-018  
(Filed May 8, 1996)

**OPINION**

**Summary**

This decision directs the Commission's Fiscal Office to release to Pacific Bell (Pacific) funds deposited with it by Jet Investments, Inc., dba Point Marina Inn (Jet or complainant), because complainant has negotiated a resolution of its dispute against the remaining defendants.

**Discussion**

On May 8, 1996, Jet filed a complaint against Pacific, AT&T Communications of California, Inc. (AT&T), and six other defendants alleging improper billing for telecommunications and directory advertising services. Complainant has subsequently dismissed this matter, with prejudice, as it pertained to American TelNet Billing Services, Inc., Federal Transtel, Inc., Texas Amtel, and Heartline Communications.<sup>1</sup>

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<sup>1</sup> Respectively, Decision (D.) 96-10-048 and D.97-06-100.

On May 13, 1997, Jet submitted a letter to the assigned Administrative Law Judge advising that it had agreed with Pacific and AT&T, upon terms of settlement of this case. Jet attached a copy of the settlement agreement,<sup>2</sup> memorializing the terms and signed by Pacific, AT&T, and itself, to the May 13 letter. Jet requests<sup>3</sup> that the Commission release to Pacific all payments of Pacific's bills rendered by complainant and presently impounded at the Commission. Upon receipt of the impounded funds, Jet states that Pacific will send Jet an invoice crediting certain contemplated amounts to complainant's outstanding bills. Jet declares that once it has received the invoice, it will move to dismiss this matter against all the remaining defendants.

In light of Jet's request as well as its assertion that it has resolved its dispute with Pacific regarding the \$15,186.67 that complainant had placed on deposit with this Commission, we direct the Commission's Fiscal Office to release such funds to Pacific.

While the usual practice in matters of this nature is for the parties to seek a dismissal and release of funds, an action that can be performed by the Executive Director by means of delegated authority, the parties' agreement necessitated this separate formal action by the Commission.

#### **Findings of Fact**

1. Jet filed Case 96-05-018 against eight defendants on May 8, 1996.
2. Jet has requested to dismiss this matter, with prejudice, as it pertains to American TelNet Billing Services, Inc., Federal Transtel, Inc., Texas Amtel, and Heartline Communications.
3. Jet, Pacific, and AT&T have agreed upon terms of settlement.
4. Jet represents that a dispute no longer exists regarding the funds held on deposit in this proceeding.

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<sup>2</sup> In sum, the agreement specifies how the parties will account for and allocate certain credits and payments.

<sup>3</sup> Pursuant to Paragraph 9 of the Settlement Agreement.

5. Jet requests that the Commission release to Pacific the funds held on deposit in this proceeding.

6. Upon receipt of a final invoice from Pacific noting all contemplated credits, Jet will move to dismiss this proceeding against all remaining defendants.

**Conclusions of Law**

1. Funds deposited with the Commission's Fiscal Office which are no longer the subject of a dispute should be released.

2. This order should be effective on the date signed so that this matter may be promptly resolved.

**O R D E R**

IT IS ORDERED that the deposits of Jet Investments, Inc., dba Point Marina Inn (complainant), of \$15,186.67, and any other deposits made by complainant in connection with this complaint, along with accumulated interest shall be disbursed to Pacific Bell on the effective date of this order.

This order is effective today.

Dated June 25, 1997, at San Francisco, California.

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
Commissioners