

Decision 98-09-077

September 17, 1998

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

Alexander Gee,

Complainant,

vs.

Pacific Bell, (U 1001C)

Defendant.

**ORIGINAL**Case 87-07-033  
(Filed July 11, 1987)**ORDER DENYING REHEARING OF DECISION NO. 98-06-059**

In Case No. 87-07-033, Complainant alleged that Pacific Bell's (Defendant) telephone rates for the Rialto, Colton, and Fontana calling areas were unjust, discriminatory, and unreasonable. He claimed that the toll-free calling areas in the three communities were not comparable. He requested that the boundaries be changed so that Fontana customers would be able to call, toll free, the same number of exchanges that Rialto and Colton callers were able to call. Complainant also alleged, in an unclear manner, that he had been injured in some way by defendant's Yellow Pages advertising. Finally, Complainant argued that Defendant removed the requirement of dialing "1" for nearby calls solely to profit from the mistakes of subscribers.

In D. 98-06-059, the Commission dismissed the Complaint for failure to state a cause of action. We found that the Complaint failed to state facts indicating that Defendant's rates were unreasonable, discriminatory or unjust. First, Complainant failed to make a clear showing that the calling area boundaries

should be changed. Second, that portion of the Complaint dealing with Yellow Pages Directory Advertising is beyond the jurisdiction of the Commission pursuant to Section 728.2 of the Public Utilities Code. Finally, with respect to the removal of the "dial 1" requirement, which occurred in June 1984, a complaint objecting to that action filed in July, 1987 was "fatally out of date."

Here, Applicant merely restates the reasons why he is unhappy with our previously adopted toll calling areas for his location and the elimination of the "dial 1" requirement for certain toll calls.

However, he points out no factual or legal errors in D.98-06-059. With regard to the requested change in calling area boundaries, Applicant simply repeats the arguments made in his original complaint, which were found in D.98-06-059 to be inadequate to demonstrate a "compelling need" to make such a change. Nor does he demonstrate any legal or factual error whatever in our decision to delete the "dial 1" requirement for certain toll calls. The Application should therefore be denied.

No factual or legal errors having been alleged, the Application for Rehearing should be denied.

**IT IS ORDERED that:**

1. The Application for Rehearing of D.98-06-059 is denied.
2. Case No. 87-07-033 is closed.

This order is effective today.

Dated September 17, 1998, at San Francisco, California.

**RICHARD A. BILAS**

President

**P. GREGORY CONLON**

**JESSIE J. KNIGHT, JR.**

**HENRY M. DUQUE**

**JOSIAH L. NEEPER**

Commissioners