

Decision 99-04-051 April 22, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Greg Roberts,

Complainant,

vs.

Pacific Bell and Southwestern Bell Corporation,

Defendants.

Case 98-09-020
(Filed September 11, 1998)

O P I N I O N

Greg Roberts (Roberts) filed a complaint alleging a variety of acts on the part of the defendants. The complaint is unintelligible on its face, but appears to allege that the defendants had failed to provide repair services for Roberts' telephone. The defendants' answer denies the allegations set forth in the complaint, and the assigned administrative law judge (ALJ) held a prehearing conference (PHC) in Los Angeles on January 13, 1999.

Roberts appeared in pro per at the PHC. The defendants appeared through counsel. Because of the nature of the appearances, the ALJ advised the parties of the purpose of the PHC, and explained how to conduct themselves when they were on the record. In particular, he directed the parties to speak only one at a time to insure that the reporter would produce a clear transcript.

The ALJ first asked Roberts to explain the nature of his complaint briefly, which he did. The ALJ then asked the defendants to address the issues Roberts had identified. At this point Roberts persistently interrupted the defendants' counsel, disregarding the ALJ's instructions. After being admonished several

times not to speak, Roberts abruptly left the hearing room, and did not thereafter return.

Rule 10 of our Rules of Practice and Procedure (Rules) requires a complaint to set forth in ordinary and concise language the specific act complained of. Roberts' complaint fails to meet this requirement, because the allegations are neither concise nor intelligible. By leaving the hearing room, Roberts has waived the opportunity to cure this defect, and disabled the Commission from further conducting the proceeding. We therefore dismiss the complaint with prejudice, and close Case 98-09-020.

Comments on Draft Decision

The draft decision of Administrative Law Judge Ryerson in this matter was mailed to the parties in accordance with Pub. Util. Code Section 311(g)(1) and Rule 77.1 of the Rules of Practice and Procedure. No comments were filed in accordance with Rule 77.2, although Mr. Roberts sent a letter purporting to constitute comments to the Chief Administrative Law Judge. The letter does not contain matter which comports with Rule 77.3, and it will be disregarded.

Findings of Fact

1. The complaint filed in this proceeding does not set forth the specific act complained of in ordinary and concise language.
2. At the PHC, Roberts was afforded an opportunity to cure this defect in the complaint, but he left the hearing room and did not do so.

Conclusions of Law

1. The complaint does not comply with Rule 10.
2. Roberts' conduct at the PHC operates as a waiver of his opportunity to cure the defects in the complaint.

3. Roberts has not shown good cause for his conduct at the PHC, nor otherwise shown why his complaint should be considered by the Commission.
4. The complaint should be dismissed with prejudice.

O R D E R

IT IS ORDERED that:

1. The complaint is dismissed with prejudice.
2. Case 98-09-020 is closed.

This order is effective today.

Dated April 22, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners