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MAIL DATE

5/17/99

Decision 99-05-038

May 13, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Reba Edwards,

Complainant,

Pacific Bell,

Defendant.

(ECP)

Case 97-08-060

(Filed August 25, 1997)

ORDER DENYING REHEARING OF DECISION 99-01-018

Reba Edwards, complainant has applied for rehearing of D.99-01-018 which resolved her Petition for Modification respecting D.98-06-010 by clarifying the nature of an alleged defect in her telephone service. D.98-06-010 denied Ms. Edward's complaint in its entirety.

The original complaint filed in 1997 alleged that Pacific Bell was providing inadequate telephone service on her single telephone line, which is used for both business and residential purposes. She also alleged that Pacific Bell employees engaged in harassing behavior in responding to her service complainants, including supposed unlawful entry into her home to replace documents. Finally, complainant requested that the Commission order Pacific Bell to refund the cost of her yellow pages advertising.

Pacific Bell filed a timely answer denying all aspects of the complaint. An evidentiary hearing was held on November 6, 1997 under the Commission's expedited complaint procedure for small claims (Pub. Util. Code Sec. 1702.1). As related in D.98-06-010, the complainant did not offer any evidence supporting her allegations of unreliable service. Pacific Bell presented evidence that it tested and retested its equipment involved in serving Ms.

Edward's premises and either found no problem or corrected it. Since 1992 it received about 190 reports of repair problems from complainant and it has replaced all of its equipment located at her business. As a result of the hearing, the Commission concluded that the record contained insufficient evidence to support a finding that Pacific Bell's system is the cause of complainant's service deficiencies.

Subsequently, complainant filed a Petition for Modification in which she requested several "corrections" or changes to D.98-06-010 and a new trial. Again Ms. Edwards provided only bare allegations against Pacific Bell, and no specific facts supporting her contentions. After consideration, we issued D.99-01-018 which adopted one minor correction in the earlier decision; and noted the lack of specific information to justify a finding that Pacific Bell had violated any statute or regulation under our jurisdiction.

Complainant has now filed an Application for Rehearing of this latest decision. This application also lacks any specific supporting information or facts that would justify a finding of improper conduct by Pacific Bell. Nor does it set forth any specific legal error in D.99-01-018, as required by PU Code Sec. 1732. For a complainant to prevail in this type of proceeding it is necessary that the complaint allege a violation of a provision of law, or a Commission regulation, or an order of the Commission before relief can be provided. See Welch v. Pacific Telephone & Telegraph Co., 74 CPUC 309 (1972), Blincoe et al. v. Pacific Telephone Co., 60 CPUC 432 (1963).

Accordingly, we conclude that the application for rehearing must be denied.

THEREFORE, IT IS ORDERED that:

1. Rehearing of D.99-01-018 is denied.
2. This proceeding is closed.

This order is effective today.

Dated May 13, 1999, at San Francisco, California.

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