

Decision 99-11-003 November 4, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Sigma Systems,

Complainant,

vs.

Pacific Bell,

Defendant.

Case 99-01-014
(Filed January 12, 1999)

OPINION

On January 12, 1999, Sigma Systems (Sigma) filed this complaint against Pacific Bell (Pacific) alleging conspiracy, industrial sabotage, false billing and racial discrimination. On March 2, 1999, Pacific filed its answer and requested that the matter be dismissed.

On June 15, 1999, the assigned administrative law judge (ALJ) issued a ruling stating that:

"Sigma's complaint lacks factual details upon which the Commission may act. Sigma's complaint contains conclusory allegations. Sigma may file an amendment to its complaint on or before July 16, 1999. Sigma's amendment should state *specific* facts supporting its various claims. For instance, Sigma alleges false billing. Sigma should provide specific dates and charges for which it claims that Pacific has falsely billed Sigma. Absent specific factual allegations, I am inclined to recommend to the Commission that Sigma's complaint be dismissed.

"In response, Pacific may file an amended answer and/or a motion to dismiss not later than 14 days after Sigma files its amended answer."

On July 24, 1999, Sigma filed an amendment to its complaint. Sigma's amendment alleges fraud, malice and racial discrimination. Sigma's amendment notes that its concerns are "... a racial issue first, crime second, policy third." (Sigma's amendment at p. 5.) Sigma's amendment also states that some of its "issues are for federal investigators." (Sigma's amendment at p.3.) We agree with Sigma that the Commission is generally not the appropriate forum to resolve allegations of racial discrimination. Additionally, Sigma was unable to provide copies of phone bills because "All phone bills were collected by federal officials and have not been returned to [Sigma]."

Further, Sigma's amendment specifically requests the following relief:

- "1. Stop industrial sabotage, racial malice, stop fraudulent billing.
- "2. Stop physical entry into our building without permission.
- "3. Pay all lost revenues lost through racial malice and hatred.
- "4. Terminate employees who participated.
- "5. Become an equal opportunity employer for all people not just females and gays.
- "6. Stop supporting Klan activities particular in the San Ramon area by employing only Klan types (high activity of Klan with Pacific as their employer).
- "7. Any other relief we can get."

The relief sought by Sigma pertains to allegations of crimes beyond the jurisdiction of this Commission. Thus, Sigma's complaint should be dismissed.

On July 30, 1999, Pacific filed a motion to dismiss. Sigma filed no response. Since Sigma has not stated a cause of action or alleged facts upon

which the Commission has jurisdiction to act, we need not address the merits of Pacific's motion.

The matter was categorized as an adjudicatory proceeding and the instructions to answer indicated that hearings were necessary. Based on our conclusion that Sigma fails to clearly set forth specific acts upon which relief may be granted, we change the prior determination from hearings are required to no hearings are required.

Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g) and Rule 77.1 of the Rules of Practice and Procedure. No comments were filed.

Finding of Fact

Sigma's complaint and amendment allege general claims that primarily concern racial issues and criminal acts.

Conclusions of Law

1. Sigma has not alleged a cause of action or alleged facts upon which the Commission has jurisdiction to act.
2. No hearings are required in this matter.

O R D E R

IT IS ORDERED that the complaint of Sigma Systems is dismissed with prejudice.

This order is effective today.

Dated November 4, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners