

Decision 11-11-003 November 10, 2011

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

John E. Gregory,

Complainant,

vs.

Pacific Bell Telephone Company dba AT&T  
California (U1001C) and MCI Communications  
Services Inc. dba World Com (U5378C).

Defendants.

(ECP)

Case 11-08-007

(Filed August 4, 2011)

John E. Gregory, for himself.

S. Winbush, for AT&T California.

H. Christman, for MCI Communications  
Services Inc.

**DECISION DISMISSING COMPLAINT**

John E. Gregory (Complainant) seeks damages for misrepresentations of Pacific Bell Telephone Company dba AT&T California and MCI Communications Services Inc. dba World Com (defendants). Defendants deny the allegations and move to dismiss. Public hearing was held on September 15, 2011.

Complainant testified that he sought damages for defendants' failure to perform diligently and provide telephone service promptly. His complaint, in its entirety, alleges:

ATTACHMENT ONE

Defendant knowingly deprived complainant of phone services for over seven consecutive days.

Defendant intentionally deprived complainant of phone services for over seven consecutive days.

Defendant forced complainant to engage in unwarranted, unnecessary negotiations for phone services for over a period of seven days.

Defendant maliciously and intentionally forced complainant to engage in unnecessary unwarranted negotiations for over a period of seven days for services.

Complainant was distressed that during the time of considerable distress the defendant agent would hang up on the phone on him in the course of services discussion.

Defendant promised services long before they finally became active.

The defendant lacked concern and or diligence in many of their actions.

It is clear that complainant seeks damages for defendants' alleged improper conduct. As we have no jurisdiction to award damages, we dismiss the complaint for failing to plead a cause of action within our jurisdiction.

**Assignment of Proceeding**

Catherine J. K. Sandoval is the assigned Commissioner and Robert Barnett is the assigned Administrative Law Judge in this proceeding.

**O R D E R**

**IT IS ORDERED** that:

1. The complaint is dismissed for failure to plead a cause of action within our jurisdiction.
2. Case 11-08-007 is closed.

This order is effective today.

Dated November 10, 2011, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
MARK J. FERRON  
Commissioners