

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Lee Berlinsky,

Complainant,

vs.

Case 02-12-005

Pacific Bell Telephone Company,

Defendant.

**ADMINISTRATIVE LAW JUDGE'S RULING
ON MOTION TO DISMISS**

On December 30, 2002, Pacific Bell Telephone Company (SBC Pacific Bell) filed its answer to the complaint stating that the complaint does not adequately advise the company or the Commission "what specific act" SBC Pacific Bell has purportedly committed to injure the Complainant. Accordingly, SBC Pacific Bell asks that the complaint be dismissed for failure to comply with Rule 10 of the Commission's Rules of Practice and Procedure, which provides in pertinent part:

The specific act complained of shall be set forth in ordinary and concise language. The complaint shall be so drawn as to completely advise the defendant and the Commission of the facts constituting the grounds of the Complaint, the injury complained of, and the exact relief which is desired.

I have reviewed the complaint as filed and conclude that the filing does not contain sufficient information for SBC Pacific Bell to adequately respond to the complaint and Complainant needs to supplement his filing.

Therefore, **IT IS RULED** that:

1. Lee Berlinsky, (Complainant), must state the specific facts related to his complains as required by Rule 10 set forth above.
2. Complainant shall provide this additional information by Friday, February 7, 2003. Failure to provide the required information by the due date will result in dismissal of the complaint.
3. A hearing will be scheduled after Complainant has furnished the specific facts related to his complaint.

Dated January 9, 2003, at San Francisco, California.

/s/ BERTRAM D. PATRICK

Bertram D. Patrick
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Motion to Dismiss on all parties of record in this proceeding or their attorneys of record.

Dated January 9, 2003, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.