

Decision 12-01-015 January 12, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Elliot Karlan,

Complainant,

vs.

Pacific Bell Telephone Company, dba AT&T
California (U1001C),

Defendant.

(ECP)
C.11-04-020
(Filed April 25, 2011)

Elliot Karlan for himself, Complainant
Sherry Winbush for Defendant

DECISION DISMISSING COMPLAINT

Summary

Complainant seeks damages because defendant disconnected his telephone without following proper procedures. Defendant asserts that complainant was past due on his telephone bill and that it followed proper procedures in disconnecting the telephone.

Public hearing was held August 15, 2011.

At the hearing, the complainant did not dispute that he owed defendant past due amounts.

Complainant and defendant maintained their respective positions as to whether the disconnection had properly occurred. However, the complainant stated he no longer wished to have service from defendant and therefore no

longer sought reconnection of service. No additional evidence was taken on the disconnection procedure followed. The record on this subject therefore does not extend beyond the complaint which asserts an improper procedure and answer which asserts that proper procedures were followed.

Complaint instead seeks damages for the claimed failure of defendant to follow the procedures for disconnects set out in its tariff.

The Commission does not have the jurisdiction to award damages. This being the only relief now sought by the complainant, this matter must be dismissed.

Assignment of Proceeding

Timothy Alan Simon 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. Case 11-04-020 is dismissed.
2. Case 11-04-020 is closed.

This order is effective today.

Dated January 12, 2012, at San Francisco, California.

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