

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Gerald W. Utterback,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 02-01-039
(Filed January 15, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
INVITING RESPONSE TO MOTION TO DISMISS**

Complainant objects to a change in his telephone number from the Vacaville Exchange to the Dixon Exchange and asks that the Commission consider moving the Local Access and Transport Area boundary between the two exchanges.

Pacific Bell Telephone Company (Pacific) on March 8, 2002, filed a motion to dismiss the complaint. Pacific argues that the issues raised here were decided by the Commission in Decision 01-12-031, that the principles of collateral estoppel bar relitigation of these issues, and that the complaint fails to allege any act or thing done or omitted to be done in violation of law, order or rule of the Commission.

Under Rule 45(f) of the Rules of Practice and Procedure, complainant had 15 days to respond to the motion to dismiss. Complainant has not done so. Because complainant may not be familiar with the Commission's procedure, this

ruling waives the 15-day rule and invites complainant to file a response to the motion to dismiss on or before April 15, 2002. A decision on the motion will issue thereafter.

Accordingly, **IT IS RULED** that complainant on or before April 15, 2002, may respond to the Motion of Pacific Bell Telephone Company to Dismiss Complaint.

Dated March 29, 2002, at San Francisco, California.

/s/ GLEN WAKER

Glen Walker
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 Inviting Response to Motion to Dismiss on all parties of record in this proceeding or their attorneys of record.

Dated March 29, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

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.