

Decision No. 45163

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FLOYD T. KARNES and AGNES ROMERO,)
Complainants,)
vs.)
THE PACIFIC TELEPHONE AND)
TELEGRAPH COMPANY,)
Defendant.)

CASE NO. 5017

ORIGINAL

Lawler, Felix & Hall and Pillsbury, Madison & Sutro,
by Leslie C. Tupper, for respondent.

O P I N I O N

The complaint herein alleges that, on or about the 31st day of March, 1949, the telephone facilities of complainants were disconnected by respondent telephone company, upon a representation by respondent that it had information to the effect that the telephone facilities concerned were being put to uses prohibited by the law. The complainants further allege that the telephone facilities were not used in violation of the law and that they would suffer irreparable injury, hardship, and financial loss by being deprived of these telephone facilities.

An order granting temporary interim relief was issued by this Commission on May 3, 1949, in Decision No. 42838, directing respondent telephone company to restore the facilities in question pending a hearing on the complaint. This restoration was effected

and subsequently the telephone company filed an answer to the complaint, the principal allegation of which was that the respondent telephone company had reasonable cause to believe that the use made and to be made of the telephone facilities concerned was prohibited by law and that, accordingly, it was required to discontinue service to the subscriber under the provisions of this Commission's order contained in Decision No. 41415, dated April 6, 1948, in Case 4930 (47 Cal. P.U.C. 853).

Public hearing was held in this matter before Commissioner Huls and Examiner Syphers on December 8, 1950, at Los Angeles. At the hearing, no appearance was made by complainants nor by anyone representing them. The record in this matter shows that complainants were notified of this hearing by a written notice, dated November 20, 1950, and sent by the secretary of this Commission.

O R D E R

The complaint of Floyd T. Karnes and Agnes Romero against The Pacific Telephone and Telegraph Company having been filed, a public hearing having been held thereon, the complainants having been given due notice thereof, but having failed to appear at the hearing,

IT IS HEREBY ORDERED that the complaint of Floyd T. Karnes and Agnes Romero be, and it hereby is, dismissed.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 19th day of December, 1950.

R. J. [Signature]

Justice J. [Signature]

Chapt. [Signature]

Harold T. [Signature]

[Signature]
COMMISSIONERS