

Decision No. 45571**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

I. B. TOUB, RAMONA LAND CO.,
a co-partnership,

Complainant,

vs.

Case No. 5287

PACIFIC TELEPHONE & TELEGRAPH
COMPANY,

Defendant.

ORDER GRANTING TEMPORARY INTERIM RELIEF

I. B. Toub having filed a verified complaint alleging in substance that he is engaged in the real estate business and is a 50 per cent owner of Ramona Land Company, a partnership consisting of complainant and William Zidell; that "Ramona Land Company and William Zidell is a subscriber" of telephone service at 7211 Beverly Boulevard, Los Angeles, California, the telephone number assigned to said Ramona Land Company being WEBster 89615; that, when the telephone was subscribed for, it was understood between complainant and Zidell that no one else was to use the telephone for any purpose except for business conducted by Ramona Land Company; that, nevertheless, said Zidell was charged with a violation of Penal Code section 337a and written notice was given to defendant by a public law enforcement official to the effect that said telephone was being used in violation of law; on information and belief that said telephone was not used and will not be used to violate or aid or abet the violation of law, but, on the contrary, that, if there was any violation of law on any telephone, it was on another tele-

phone used on the premises, and not on WEBster 89615, the telephone to which complainant "as a 50% owner in the Ramona Land Company is entitled, nor will it ever be so used"; that during all of the time of the alleged commission of said offense complainant was absent from Los Angeles, had no information or knowledge of any kind of any unlawful use of any telephone in said premises, nor any reason to believe that any telephone thereon was being used for any unlawful purpose; that it is proper that service be restored to said number for the reason that, if service is not restored immediately, complainant, an innocent person, will suffer great and irreparable damage, as persons calling said number are informed that the telephone has been disconnected; that loss of use of said telephone is causing complainant's customers to believe that the company has discontinued business, and there are in excess of \$125,000 worth of contracts outstanding in which complainant has an interest which will suffer, as payments are being discontinued thereon by reason of said telephone being disconnected; that, under the circumstances, telephone service should be restored to complainant pending hearing and decision on the complaint; therefore,

IT IS ORDERED that The Pacific Telephone and Telegraph Company is hereby directed to restore telephone service to complainant pending hearing on said complaint and further Commission order thereon. Hearing on the complaint shall be had before such Commissioner or Examiner and at such time and place as may hereafter be designated.

The Secretary is directed to cause a certified copy of this order, together with a copy of the complaint herein, to be served forthwith upon The Pacific Telephone and Telegraph Company and said defendant is directed to serve and file its reply to said complaint within ten (10) days after such service.

The Secretary is directed further as follows:

1. To cause a copy of this order to be mailed to complainant.
2. To cause notices of hearing to be mailed to complainant and defendant at least ten (10) days before the hearing herein.

Dated, San Francisco, California, this 16th day of
April, 1951.

R. J. Indurran
Harold P. Huls
Benjamin D. Huls

Commissioners