

ORIGINAL

Decision No. 46861

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES KILBURG CORPORATION, a)
 California corporation,)
)
 Complainant,)
)
 vs.)
)
 THE PACIFIC TELEPHONE & TELEGRAPH)
 COMPANY, a corporation,)
)
 Defendant.)

Case No. 5223

SECOND INTERIM OPINION AND ORDER

The Commission after hearing James Kilburg, president of James Kilburg Corporation; Noel Dyer, Esq., of counsel for the defendant, and Allan P. Matthew, Esq. and Gerald Trautman, Esq., of counsel for complainant, is of the opinion that the parties to this proceeding should be permitted to have such laboratory tests made of the Dialaphone as either of said parties may desire and that the results thereof may be offered in evidence herein.

Good cause appearing therefor,

IT IS ORDERED that:

(1) The complainant and defendant may severally cause tests to be made of the Dialaphone in a laboratory or laboratories of their several choice.

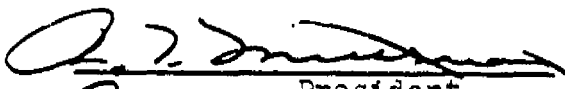
(2) The complainant shall make available to defendant, if defendant shall elect to have tests performed, 12 Dialaphones, 2 days after personal service upon it of notice thereof.

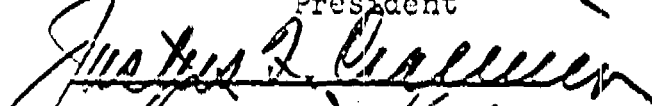
(3) All such tests shall be initiated and completed no later than 90 days from the date of this order and shall be conducted with the complete collaboration and cooperation of both

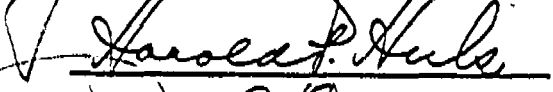
the parties hereto. Upon completion of the tests the Commission shall be so advised in writing.

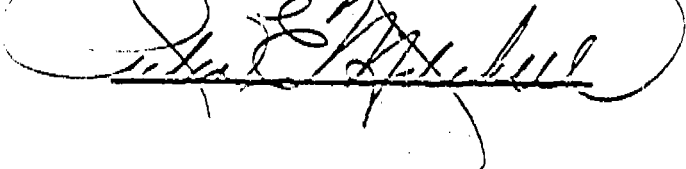
(4) The results of all tests may be offered in evidence herein, provided that there be full compliance with paragraph (3) hereof by said parties, at such time and place as the Commission shall appoint.

Dated at San Francisco, California, this 17th day of March, 1952.



President






Commissioners