

ORIGINALDecision No. 49763

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOE DE MARIA,

Complainant,

vs.

Case No. 5525

THE PACIFIC TELEPHONE AND TELE-
GRAPH COMPANY, a corporation,

Defendant.

ORDER GRANTING TEMPORARY INTERIM RELIEF

JOE DE MARIA, residing at 16527 Maple Grove Street, Puente, California, on February 11, 1954 filed a verified complaint alleging in substance that prior to February 10, 1954 complainant was a telephone subscriber of defendant at the Coconino Restaurant located at 11941 Valley Boulevard, El Monte, California, under number F0rest 8-9211; that on or about February 10, 1954 the telephone facilities of complainant were disconnected by defendant; that an employee of the Coconino Restaurant was arrested on or about January 29, 1954 and charged with bookmaking; that complainant had no knowledge or information that such activity had been or was being carried on by said employee, and has issued orders that employees are not to use the telephone in said restaurant; that complainant and the two other part owners of the Coconino Restaurant did not use and do not now intend to use said telephone facilities as an instrumentality to violate the law, nor in aiding or abetting such violation; that defendant has refused to restore telephone facilities to complainant; and that complainant has suffered and will suffer irreparable injury and great hardship as a result of being deprived of telephone facilities as such facilities are used in placing reservations and for or-

dering necessary supplies. Attached to the complaint were the affidavits of the two other part owners of the restaurant, each alleging that he did not use and does not now intend to use said telephone facilities as an instrumentality to violate the law, nor to aid or abet such violation.

Order to satisfy or answer was issued on February 23, 1954. On February 25, 1954 complainant filed a supplemental affidavit alleging that on February 16, 1954 he terminated the employment of the employee who had been arrested on or about January 29, 1954, and that the continued loss of telephone service is working an irreparable hardship upon the restaurant in that there is a continued loss of banquet and dinner business.

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, said service to be furnished pursuant to defendant's filed tariff rates and rules applicable thereto. The complaint will be set for hearing before such Commissioner or Examiner, and at such time and place, as may hereafter be designated.

The Secretary is directed as follows:

1. To cause a certified copy of this order, together with a copy of the supplemental affidavit herein, to be served upon The Pacific Telephone and Telegraph Company.
2. To cause a copy of this order to be mailed to complainant.
3. To cause appropriate notice of hearing to be mailed to the parties at least ten (10) days prior to the hearing herein.

Dated, Los Angeles, California, this 9th day of March, 1954

R. Z. [Signature]
President
Justus F. [Signature]
[Signature]
[Signature]
[Signature]
Commissioners