

Decision No. 51851**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOSEPH H. UNCAPHER, doing business
as UNCAPHER'S DRUG STORE,

Complainant,

vs.

Case No. 5671

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

ORDER GRANTING TEMPORARY INTERIM RELIEF

JOSEPH H. UNCAPHER, 1355 West Manchester Boulevard, Los Angeles, California, having filed a verified complaint alleging in substance that complainant was a telephone subscriber of defendant at said address, under numbers Pleasant 8-4614 and Twinoaks 1833; that on March 9, 1955 the telephone facilities of complainant under number Pleasant 8-4614 were disconnected and complainant was arrested by the Los Angeles Police Department for alleged bookmaking activities; that on March 18, 1955 telephone facilities under number Twinoaks 1833 were disconnected upon request of the Los Angeles Police Department; that on April 26, 1955 the Superior Court dismissed the charge against complainant; that complainant has made demands upon defendant to have said telephone facilities restored; that defendant has refused to restore telephone facilities to complainant; that complainant did not use and does not intend to use said telephone facilities as an instrumentality to violate the law, nor in aiding or abetting such violation, but for business purposes in the operation of his drug store; and that complainant has suffered and will suffer irreparable loss and damage

to his business and reputation as a result of being deprived of telephone facilities; 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 or 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 complaint herein, to be served 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 said service.
2. To cause a copy of this order to be mailed to complainant and to complainant's counsel.
3. To cause appropriate notice of hearing to be mailed to the parties at least ten (10) days prior to the hearing herein.

Dated, San Francisco, California, this 25th day of August, 1955.

John E. Mitchell
President

Justin J. Casner

Maxwell D. Dooly

R. H. Fry

Commissioners