

Decision No. 52521**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOE P. GARAFALO,

Complainant,

v.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 5714

ORDER GRANTING TEMPORARY INTERIM RELIEF

JOE P. GARAFALO, doing business as the Owl Cafe at 36 South Garfield Street, Alhambra, California, having filed a verified complaint stating in substance that he was a telephone subscriber of defendant at said address, under number Atlantic 9-0930; that on January 11, 1956, his telephone facilities were disconnected by/or at the request of the Alhambra Police Department and/or the Los Angeles County Sheriff's Office, and he was arrested on suspicion of bookmaking; that "it has been established and all evidence indicates that said telephone facilities were not being used for the purpose of bookmaking and there is no evidence to show that said telephone facilities have at anytime in the past been used for illegal purposes"; that complainant did not use and does not now intend to use said telephone facilities as an instrumentality to violate the law, nor in aiding or abetting such violation; that complainant has suffered and will continue to suffer irreparable injury and great hardship in connection with the operation of his business as a result of being deprived of said 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.
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 23rd day of January, 1956.

John E. Mitchell
 President
Justin J. Galves
Paula Lutz-Reiner
William J. Kelly
B. J. H. ...
 Commissioners