

Decision No. 53061

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HERBERT KINNARD,

Complainant,

v.

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Case No. 5758

ORDER GRANTING TEMPORARY INTERIM RELIEF

HERBERT KINNARD of 1814 West 136th Street, Compton, California, having filed a verified complaint stating in substance that the telephone at said address, under telephone No. NEvada 6-6268 was on March 24, 1956, disconnected by the Pacific Telephone and Telegraph Company after the Los Angeles County Sheriff's Department advised that complainant was using the telephone to violate and abet violation of the law; that no charges have been preferred against complainant; that no bets were taken by said complainant over said telephone; that during the period of the presence of an officer in complainant's home the first occasion occurred in which a call was received regarding or pertaining to bookmaking; that complainant has not used his telephone for bookmaking purposes, nor to his knowledge has any member of his household used it for such purposes; that complainant has made demand upon defendant to have the telephone restored, but defendant has refused and does now refuse to do so; that complainant has suffered and will suffer great

hardship and loss of reputation as a result of being deprived of said telephone; that complainant does not use and does not intend to use said telephone as an instrumentality to violate the law, nor in aiding or abetting such violation; 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, Los Angeles, California, this 15<sup>th</sup> day of May, 1956.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners