

ORIGINAL

Decision No. 54381

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MELVIN DAVIS,

Complainant,

vs.

Case No. 5839

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

No appearance for complainant.

Pillsbury, Madison and Sutro, and Lawler, Felix and Hall, by L. B. Conant, for defendant.

Roger Arnobergh, City Attorney, by Eugene Didak, Deputy City Attorney, for the Police Department, City of Los Angeles, intervener.

ORDER DISMISSING COMPLAINT

The complaint herein for restoration of telephone service was filed on October 25, 1956. Complainant's address, as set out in the caption and body of the complaint, is 5121½ South Avalon Boulevard, Los Angeles, California. The complaint is signed and verified by Melvin Davis.

The Pacific Telephone and Telegraph Company, through its attorneys, Pillsbury, Madison and Sutro, Standard Oil Building, San Francisco 4, California, and Lawler, Felix and Hall, Standard Oil Building, Los Angeles 15, California, filed its answer with the Commission on November 5, 1956.

On November 16, 1956, notice was sent to the parties by registered mail that a hearing on the matter would be held in the Commission's Courtroom in the Mirror Building, 145 South Spring Street, Los Angeles, California, at 10 a.m., on Friday, November 23, 1956. This notice was mailed to the defendant, its attorneys, and the Deputy City Attorney at their correct addresses, but, through inadvertence, was mailed to the complainant at 512½ South Avalon Boulevard, Los Angeles, California.

On Friday, November 23, 1956, the matter was called for hearing at 10 a.m. before Examiner Kent C. Rogers. The complainant was not present and it was then noticed that the hearing notice had been mailed to the complainant at the incorrect address. The matter was thereupon continued for hearing to Friday, December 7, 1956, at 10 a.m. in the Commission's Courtroom in the Mirror Building, 145 South Spring Street, Los Angeles, California, and on November 28, 1956, notice of hearing specifying the time and place thereof was mailed to all parties, including the complainant. Complainant's notice of hearing was sent to him by registered mail and was addressed to him, Melvin Davis, at 512½ South Avalon Boulevard, Los Angeles, California, which is the address set forth in his complaint.

On Friday, December 7, 1956, the matter was called for hearing at 10 a.m. in the Commission's hearing room, Mirror Building, 145 South Spring Street, Los Angeles, California, before Examiner Kent C. Rogers. There was no appearance on behalf of the complainant, and the defendant appeared through its attorneys,

Lawler, Felix and Hall, and Pillsbury, Madison and Sutro, by
L. B. Conant, and moved for dismissal of the complaint. Now,
therefore, good cause appearing,

IT IS ORDERED that the complaint filed herein be, and
it hereby is, dismissed.

Dated at San Francisco, California,
this 8th day of January, 1957.

[Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners