

Decision No. 51040

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

KENNETH GARDNER,  
 Complainant,  
 vs.  
 THE PACIFIC TELEPHONE AND TELEGRAPH  
 COMPANY, a corporation,  
 Defendant.

**ORIGINAL**

Case No. 5933

ORDER GRANTING TEMPORARY INTERIM RELIEF

KENNETH GARDNER, residing at 2410 Polk Street, San Francisco, California, having filed a verified complaint stating in substance that prior to April 2, 1957 his wife, Virginia Gardner, now deceased, doing business under the fictitious name of Sherry's Studio, was a subscriber and user of telephone service furnished by defendant telephone company under number PProspect 6-1244 at 2406 1/2 Polk Street, San Francisco, California; that on April 2, 1957, defendant disconnected said telephone facilities and said facilities have been continuously ever since and still are disconnected; that the reason assigned by defendant for making such disconnection was that the San Francisco Police Department had requested that the facilities be disconnected; that Virginia Gardner, now deceased, had previously filed a complaint before the Commission on April 12, 1957, and a supplement thereto on April 15, 1957, against said telephone company in which she denied any of the illegal acts with which she was charged; that on April 16, 1957, said Virginia Gardner died; that said Sherry's Studio is the community property of

complainant and his deceased wife, Virginia Gardner; that on April 16, 1957, all charges against Virginia Gardner, deceased, were dismissed by the Municipal Court of the City and County of San Francisco; that on April 17, 1957, complainant through his attorney demanded restoration of the telephone service and was denied such restoration by defendant telephone company; that unless the telephone service is reconnected immediately, complainant will continue to suffer great financial loss and hardship and irreparable injury to the business; that complainant has not used and does not intend to use said telephone facilities as an instrumentality to violate the law, or in aiding or abetting any violation of the law; that complainant upon information and belief alleges that his aforementioned deceased wife, Virginia Gardner, never allowed the telephone facilities to be used with her permission to violate the law; therefore,

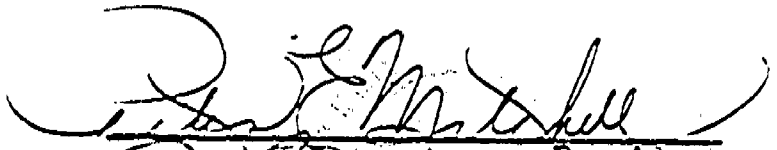
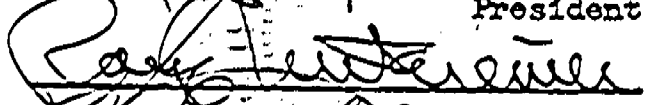
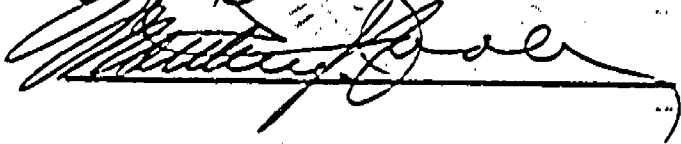
IT IS ORDERED that The Pacific Telephone & Telegraph Company is hereby directed to restore telephone service to the premises in question pending hearing on the complaint herein or further order of the Commission, substituting Kenneth Gardner as the subscriber in place of Virginia Gardner, and providing such service under 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 at San Francisco, California, this 26<sup>th</sup> day  
of 1 APRIL, 1957.

  
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President  
  
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Commissioners