

Decision No. 58598

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RUDOLPH R. FIMBRES,
Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,
a corporation,

Respondent.

Case No. 6278

ORDER GRANTING TEMPORARY INTERIM RELIEF

RUDOLPH R. FIMBRES, 3443 City Terrace Drive, Los Angeles 63, California, having filed a verified complaint, alleging in substance that he is the owner and operator of a grocery and meat market under the trade name of "Fimbres & Sons" at 3443 City Terrace Drive, Los Angeles 63, California; that in said market there had been installed a coin telephone bearing number ANgelus 3-9790, with an extension phone in the meat department of said market; that on May 20, 1959, the Los Angeles Police removed the extension telephone from the meat department, arrested complainant and charged him with suspicion of bookmaking; that on May 26, 1959, complainant appeared in Department 100 of the Los Angeles County Superior Court and was advised no complaint had been filed against him and was discharged forthwith; that on or about May 28, 1959, representatives of respondent advised complainant that they had received information that said communication facilities were being used as an instrumentality to violate the law and they then and there disconnected said facilities; that said communication facilities were never used as instrumentalities

to violate the law, nor in aiding or abetting the violation of the law; that complainant has suffered and will continue to suffer severe financial loss, humiliation and embarrassment unless and until said communication facilities are restored; and that said market is the only means of livelihood available to complainant and he must rely solely on said business for the maintenance and support of his family.

. IT IS ORDERED that The Pacific Telephone and Telegraph Company is hereby directed to restore telephone service to complainant pending hearing on said complaint and further Commission order thereon, said service to be furnished pursuant to respondent'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 respondent 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 16th day of June, 1959.

[Signature]
President

[Signature]

[Signature]

Commissioners