

Decision No. 60968**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DICK HAMILTON doing business as
TALLY HO,

Complainant,

vs.

Case No. 6997

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

ORDER GRANTING TEMPORARY INTERIM RELIEF

Dick Hamilton, doing business as Tally Ho, of 907 Irving Street, San Francisco, California, having filed a verified complaint, alleging in substance that prior to June 16, 1960, complainant was a subscriber and user of telephone service furnished by defendant under number Lombard 4-5765 at said address; that on or about June 16, 1960, the telephone facilities of complainant were removed by members of the San Francisco Police Department; that said Department caused one William H. McCarte to be arrested on or about said date at said premises on a charge of suspicion of violation of Section 337a of the Penal Code; that William H. McCarte, on or about September 15, 1960, in the Superior Court No. 12 of the State of California was charged with the misdemeanor of receiving and recording a bet for which he was fined and paid the amount of \$150.00; that at no time did complainant have knowledge of any misuse or illegal use of telephone facilities at said premises; that complainant has not used and does not now intend to use said telephone

facilities as instrumentalities to violate the law nor in aiding or abetting such violation; that complainant has made demand upon defendant to restore the said telephone facilities, but defendant has refused to do so; that complainant operates a cocktail lounge at said location and has suffered and will continue to suffer irreparable injury to his business as well as to his personal reputation.

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 at San Francisco, California, this
25th day of October, 1960.

Genl. A. W. Page
President
City of Berkeley
William J. Roach

Commissioners