

ORIGINAL

Decision No. 63684

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOSEPH ROBERT SPINAZZOLA,
Complainant,

vs.

PACIFIC TELEPHONE COMPANY, a
corporation,

Defendant.

Case No. 7324

ORDER GRANTING TEMPORARY INTERIM RELIEF

Joseph Robert Spinazzola, of 539 Lomita Boulevard, Apartment 39, Wilmington, California, having filed a verified complaint alleging in substance that complainant was a subscriber of telephone service furnished by defendant under number TErMinal 5-7050; that on or about January 26, 1962, five peace officers from the Los Angeles County Sheriff's office, in complainant's absence and without any type of warrant, entered his residence and arrested an acquaintance, namely, Francis Martella, for a violation of California Penal Code §337a; that complainant is informed and believes that all charges were dropped and that said acquaintance was released on habeas corpus; that as a result of the arrest of said Martella the defendant removed the aforementioned telephone facilities; that telephone service is vitally necessary to the health, safety and welfare of complainant particularly in that complainant is in ill health, being obese, and having both bronchitis and heart trouble, and

may and frequently has needed medical doctors' services at any hour of the day or night; that complainant is ready, willing and able to pay reasonable charges for maintaining a telephone in his residence, and that said telephone will not be used for any illegal or unlawful purpose; that complainant has made demand upon defendant and said defendant has refused and continues to refuse to give complainant normal telephone service; that complainant has performed and will continue to perform each and all of the obligations of his contract with defendant and offers to stipulate that said defendant removed telephone service upon reasonable and probable cause; and complainant having requested an order directing the defendant to reconnect and restore said communication facilities pending a hearing and determination of the matters raised by the complaint; and good cause appearing,

IT IS ORDERED that the Pacific Telephone Company, a corporation, is hereby directed to reconnect and restore telephone service to complainant and to maintain such service pending further Commission order herein, 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 Pacific Telephone Company, a corporation, and said defendant is directed to serve and file its reply 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
14th day of MAY, 1962

Wesley A. Lane
President

J. E. D. Hill

S. L. Fox

George G. Grover

Fredrick B. Hallock
Commissioners