

**ORIGINAL**Decision No. 65144

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

R. E. MODESTI and  
RUBIE MODESTI,

Complainants,

vs.

Case No. 7582

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY,

Defendant.

ORDER GRANTING TEMPORARY INTERIM RELIEF

R. E. MODESTI and RUBIE MODESTI of 88 Santa Rita Avenue, San Francisco, California, having filed a verified complaint alleging in substance that complainant R. E. Modesti was a subscriber and user of telephone service furnished by defendant under number JU 4-9958, at 4461 Mission Street, San Francisco, where he conducts a restaurant and tavern business; that complainants were subscribers and users of telephone service furnished by defendant under number LO 4-1289 at 88 Santa Rita Avenue, San Francisco, where complainants reside; that on or about March 7, 1963 said telephone facilities were removed and disconnected by agents of the United States Treasury Department, Internal Revenue Service, Intelligence Division, who caused R. E. Modesti to be arrested for violation of 26 U.S. Code 4412 and 7201, bookmaking; that neither complainant now or in the future intends to use such facilities as instrumentalities to violate the law or aid or abet such violation; that complainant Rubie Modesti was in no way implicated nor charged with the offense presently pending against her husband;

that complainants have made demand for restoration of facilities but defendant refuses to do so; that complainant Rubie Modesti resides with her two children at 88 Santa Rita Avenue, her husband works at night at his tavern at 4461 Mission Street, and she is unable to communicate with her husband in the event of an emergency; that the Internal Revenue Service has informed complainant's attorney they have no objection to restoration of telephone service; and complainants having requested interim relief;

IT IS ORDERED that The Pacific Telephone and Telegraph Company, a corporation, is hereby directed to reconnect and restore telephone service to complainants 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 The Pacific Telephone and Telegraph Company, 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 complainants.
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 26th day of March, 1963.

*George L. Traver*  
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 President  
*Frederick B. Hoffloff*  
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*William W. Bennett*  
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 Commissioners