



A public hearing was held in Santa Barbara on the complaint on March 14, 1963. At this hearing, complainant Donovan attempted to introduce evidence concerning matters set forth in the original stricken complaint. Upon being advised by the examiner that certain issues were outside the purview of the complaint, the complainant Donovan dismissed all his witnesses and asked the presiding officer to disqualify himself. The presiding officer stated that this matter was terminated at the request of the complainant Donovan and terminated the proceedings. The complainants have requested that the matter be reopened for further hearing.

The record herein shows an unwarranted attack by the complainant Donovan on the hearing officer, obstreperous and unreasonable conduct, and complete failure to observe any respect whatsoever for the Commission or its hearing officer. In our opinion, a dismissal of this proceeding is fully justified by Mr. Donovan's conduct. In an abundance of caution, however, rather than dismiss the complaint, we are setting aside the submission and reopening the matter for further proceedings. We advise the complainants, however, that the examiner's ruling was justified; that under our rules of procedure the complainants are in no position to instigate a state-wide proceeding; and that in any further hearing, the only issue involved will be the need for the installation of public telephone booths in the vicinity of the two corners specified by the complainants in their complaint.

We further advise the complainants, and each of them, that any further conduct similar to that shown at the hearing on

March 14, 1963, may result in a dismissal of the complaint and appropriate action by the Commission.

Now, therefore, good cause appearing,

IT IS HEREBY ORDERED that this matter be reopened for further hearing to be held before Examiner Kent C. Rogers in the Commission's courtroom at Los Angeles at a date to be determined.

Dated at San Francisco, California, this 23rd day of APRIL, 1963.

George B. Brewer  
President

Frederick B. Heblhoff  
Commissioners

William W. Bennett  
Commissioners