

Decision No. 65822**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AUSTIN BERRY,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation

Defendant.

CASE NO. 7677

ORDER GRANTING INTERIM RELIEF

AUSTIN BERRY of 6068 East Olympic Boulevard, Los Angeles, California, having filed a verified complaint alleging in substance that complainant was a subscriber and user of pay telephone service furnished by defendant under the number of Parkview 2-9345 located at the premises known as Olympic Club located at said address; that on or about June 11, 1963, said telephone facilities were removed and disconnected by defendant pursuant to instructions from the Los Angeles Police Department; that on or about June 11 said Police Department arrested several persons at the aforementioned address on a charge of suspicion of violating Section 337a of the Penal Code; that complainant 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 have said telephone facilities restored but defendant has refused and does now still refuse to do so; that complainant has suffered and will continue to suffer irreparable damage and great hardship if deprived of said telephone facilities; that said telephone facilities consist of a pay telephone

installed at the aforementioned premises which are open to the public and are used for the dispensing of alcoholic beverages; that it is essential that some means of notification to the authorities of law violations occurring on said premises be readily available at all times; that the law enforcement agency of the City of Los Angeles has suggested to the complainant that he file a complaint for restoration of telephone service; that complainant seeks restoration of said telephone facilities forthwith and good cause appearing,

IT IS ORDERED that The Pacific Telephone and Telegraph 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 The Pacific Telephone and Telegraph 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 6th day of AUGUST, 1963.

William L. Bennett
President

George F. Tupper

Frederick B. Holbrook
Commissioners

I dissent.
In my opinion,
the allegations
of the complaint
do not warrant
interlocutory
review.
George F. Tupper
Commissioner