

Decision No. 67477**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MILTON SMITH,

Complainant,

vs.

CASE NO. 7931

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, A CORPORATION,

Defendant.

ORDER GRANTING INTERIM RELIEF

MILTON SMITH, of 1541 W. 68th Street, Los Angeles, California, having filed a verified complaint alleging in substance that prior to May 21, 1964, complainant was a subscriber and user of telephone service furnished by defendant under number PL 1-7613, located at 1541 W. 68th Street, Los Angeles; that on or about May 21, 1964, the telephone facilities of complainant were removed and disconnected by the defendant pursuant to instructions from the Los Angeles City Police, purporting to be based upon probable cause for the belief that said telephone facilities were being used for unlawful purposes; that complainant has not used and does not 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 the 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 great hardship if deprived of said telephone facilities; that complainant seeks restoration of 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 7th
day of JULY, 1964.

Frederick B. Hallock
President
Paul L. Smith
Robert W. Rye
George H. Brown
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.