

ORIGINALDecision No. 67510

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARSHAL VINCENT MIKETTA,
and EDNA REECE MIKETTA,

Complainants,

v.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a Corporation,

Defendant.

Case No. 7936

ORDER GRANTING INTERIM RELIEF

MARSHAL VINCENT MIKETTA and EDNA REECE MIKETTA, of 1223 - 29th Street, San Diego, California, having filed a verified complaint alleging in substance that complainants were subscribers and users of telephone service furnished by defendant under number 239-3147, located at 1223 - 29th Street, San Diego, California; that on or about May 18, 1964, the telephone facilities of complainants were removed and disconnected by the defendant pursuant to instructions from the San Diego City Police Department, which department caused complainants to be arrested on suspicion of violation of Section 337a.5 of the Penal Code; that said charges were dismissed on June 12, 1964, for insufficiency of evidence; that complainants have not used and do not now intend to use said telephone facilities as instrumentalities to violate the law nor in aiding or abetting such violation; that complainants have made demand upon defendant to have said telephone facilities restored, but defendant has refused and does now still refuse to do so; that complainants have suffered and will continue to suffer great hardship if deprived of said telephone facilities; that complainant MARSHAL VINCENT MIKETTA is employed as a bar manager and requires the use of telephone in connection with his employment, and also has suffered a heart attack

and is under supervision of a doctor; that complainant EDNA REECE MIKETTA is sometimes employed as a waitress and requires the use of the telephone in connection with her employment; that complainants seek 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 14th day of July, 1964.

Frederick B. Helboff
President

George J. Traver

William B. ...

Commissioners

2. Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.