

Decision No. 67716

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FRANK J. MARTINEZ,

Complainant,

vs.

Case No. 7974

PACIFIC TELEPHONE & TELEGRAPH
COMPANY, a Corporation,

Defendant.

ORDER GRANTING INTERIM RELIEF

FRANK J. MARTINEZ, of 559 Campbell Street, San Francisco, California, having filed a verified complaint alleging in substance that complainant was a subscriber and user of telephone service furnished by defendant under number JU 6-6088; that on or about April 26, 1963, complainant pleaded guilty to a charge of book-making in violation of Sec. 337a of the Penal Code; that on or about May 7, 1963, after sentence, complainant was granted probation for a period of one year; that telephone facilities were disconnected and removed by defendant pursuant to instructions from the Sheriff's Office; that complainant has fully complied with the orders of the Court and the conditions of said probation; that on July 7, 1964, it was ordered by the Superior Court that complainant's plea of guilty be set aside and a plea of not guilty be entered and that the information or complaint be dismissed pursuant to Section 1203.4 Penal Code; that complainant has not used and does not intend to use or permit the use of said telephone facilities to violate the law nor in aiding or abetting such violation; that complainant has made demand upon defendant to have said telephone facilities and service restored, but defendant has refused and still refuses to do so; that complainant has urgent

need for said telephone service and facilities in connection with his lawful business, and for the needs and convenience of himself and his family, and will suffer loss and great hardship if he is further deprived of said telephone facilities and 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 18th day of AUGUST, 1964.

Fredrick B. Holcomb
President

John J. [unclear]

Robert [unclear]

George L. [unclear]

William [unclear]
Commissioners