

Decision No. 68764**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARVIN MESSER, and
NESSIE B. MESSER,

Complainants,

vs.

PACIFIC TELEPHONE COMPANY,
a corporation,

Defendant.

CASE NO. 8142

ORDER GRANTING INTERIM RELIEF

MARVIN MESSER, and NESSIE B. MESSER, his wife, of 846 West 173rd Street, Gardena, California, having filed a verified complaint alleging in substance that prior to January 8, 1965, complainants were subscribers and users of telephone service furnished by defendant under the number 323-1183 in the name of KENNETH WAYNE LEE, son of NESSIE B. MESSER, who has of recent date attained his majority and no longer resides at this address; that on or about January 3, 1965, said telephone facilities were removed and disconnected by certain peace officers having a warrant to search; that MARVIN MESSER was at that time and place arrested for violation of Penal Code § 337a; that MARVIN MESSER was released on a writ of habeas corpus and no further charges were brought; that complainants have made demand upon defendant, PACIFIC TELEPHONE COMPANY, to have said telephone facilities restored, but defendant has refused and does now still refuse to do so; that complainants are ready and able to pay the reasonable charges for maintaining a telephone in their residence; 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 telephone service is vitally necessary to the safety and welfare of

complainants' daughter; that complainants' daughter is the victim of a crippling disease and may need telephone service as an absolute necessity at any hour of the day or night; that complainants seek 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 complainants 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 complainants.
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 23rd day of MARCH, 1965.

Fredrick B. Holbluff
President

George T. Grover

William M. Burnett
Commissioner