

no

Decision No. 70370

Original
ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the use being made of communications facilities and instrumentalities for the purpose of determining if such use, in any instance, is in violation of law or is aiding or abetting, directly or indirectly, a violation of law or is not in the public interest.

Case No. 4930

ORDER QUASHING SUBPENA

By Commission order this proceeding was reopened for the purpose of determining whether an earlier decision therein should be rescinded, altered, or amended. Thereafter the Commission assigned the reopened proceeding to Commissioner George G. Grover for the taking of evidence, pursuant to Public Utilities Code section 310.

On February 17, 1966 Commissioner William M. Bennett issued, and caused to be served, a subpoena which on its face purports to be a Commission subpoena, requiring the Attorney General to appear as a witness "in behalf of the Attorney General" at a hearing in the reopened proceeding on February 18, 1966.

A motion to quash said subpoena was made by the Attorney General's representative.

Attorney General Thomas C. Lynch has appeared in the above-entitled proceeding and has participated therein through Albert W. Harris, Jr., his duly authorized Assistant Attorney General, by adducing the testimony of a number of law enforcement officers who are directly concerned with the subject matter of this proceeding.

Finding that the personal presence of the Attorney General is not necessary to a determination of the issues in this proceeding, IT IS ORDERED that the subpoena issued by Commissioner Bennett on February 17, 1966 is hereby quashed.

Dated at San Francisco, California, this 18th day
of FEBRUARY, 1966.

Frederick B. Holcomb

President

George H. Brown

August

Commissioners

I would not grant the motion to quash and I challenge the competence and qualifications of the majority to rule impartially or at all on this matter. The majority has performed its function as errand boy for the Attorney General of this State for reasons which are patently clear.

William M. Bennett

WILLIAM M. BENNETT

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.