

Decision No. 70550**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARZUN, INC., a corporation,

Complainant,

vs.

Case No. 8387

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

ORDER GRANTING INTERIM RELIEF

MARZUN, INC., of 4334 Union Pacific Avenue, East Los Angeles, California, having filed a verified complaint alleging in substance that it is now and at all times mentioned herein was a corporation, and that Martin Zuniga is the President thereof; that prior to March 23, 1966, complainant was a subscriber and user of telephone service furnished by defendant under the number 264-8979 located at the premises known as Marty's Keg Room at 4334 Union Pacific Avenue, East Los Angeles, California; that on or about March 23, 1966, said telephone facilities were removed and disconnected by the defendant pursuant to instructions from the Los Angeles County Sheriff's Office that bookmaking activities were being conducted at said telephone number; that complainant alleges that these telephone facilities are used for the conduct of the business of this establishment and for the use of its patrons, and that affiant [Martin Zuniga] has not in the past, does not now, and did not on the day in question permit the use of said telephone for bookmaking activities, nor had any knowledge that said telephone was used for any illegal purposes; that affiant and his counsel, Mr. Dan O'Neill, have made an independent investigation of the allegation of the Sheriff's Office and both are of the

opinion that this allegation is wholly unfounded in fact and untrue; that complainant has made demand upon defendant to have the said telephone facilities restored but defendant has refused and does now refuse to do so; that because of the location of this establishment in the low income area, it is essential to the safety of the owner of this establishment, as well as the patrons that telephone service be provided to insure adequate police protection; that affiant makes these representations on behalf of the corporate owner; 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 personally 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 5th day of APRIL, 1966.

Frederick B. Holbrook
President

George H. ...

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

Commissioners