

ORIGINALDecision No. 70572

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BURL H. NUNNELEE,

Complainant,

vs.

Case No. 8391

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

ORDER GRANTING INTERIM RELIEF

BURL H. NUNNELEE, having filed a verified complaint alleging in substance that prior to January 2, 1966, complainant was a subscriber and user of telephone service furnished by defendant under the number 483-9124, located at 1538 West Seventh Street, Los Angeles, California; that on or about January 2, 1966, said telephone facilities were removed and discontinued by the defendant pursuant to instructions from the Los Angeles Police Department; that such instructions and such action were arbitrary and capricious in that said facilities had never been used for any illegal purpose, nor has any individual ever been convicted for any violation of law involving the use of said facilities; that complainant has not used, and does not intend to use, said telephone facilities as instrumentalities to violate the law, nor in aiding or abetting such violation; that complainant has made demand upon defendant to restore said facilities, but defendant has refused and does now refuse to do so; that complainant has suffered and will suffer irreparable injury and great hardship if deprived of said telephone facilities; 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 13th day of APRIL, 1966.

Fredrick B. Holbrook
President

Ed E. Mitchell

George G. Grover

Augustor

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.