IM

Decision No. 71740

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MERWYN H. PICKNEY,

Complainant,

vs.

Case No. 8570

PACIFIC TELEPHONE & TELEGRAPH COMPANY, a corporation,

Defendant.

ORDER GRANTING INTERIM RELIEF

MERWYN H. PICKNEY, of 555 Eddy Street, Apartment 31, San Francisco, California, having filed a verified complaint alleging in substance that complainant has been a subscriber to a party line telephone under number PRospect 6-2487 since December 28, 1945; that on May 26, 1966, police officers of the City and County of San Francisco, State of California, arrested one Salvador Perez at the address of complainant herein, and charged said Salvador Perez with a violation of the provisions of Section 337a of the Penal Code of the State of California; that complainant is informed and believes and therefore alleges that thereafter said Salvador Perez pleaded not guilty to said charge in the Superior Court of the State of California in and for the City and County of San Francisco and that said matter is still pending and undetermined; that at the time of the arrest of said Salvador Perez the complainant herein was outside the State of California and was enroute via railroad from Denver, Colorado, to San Francisco, California; that complainant herein to the best of his knowledge and belief was in or near Salt Lake City, Utah, at the time of the arrest of said Salvador Perez on May 26, 1966; that complainant arrived in San

Francisco during the evening of May 27, 1966; that prior to complainant's departure from San Francisco for Denver, Colorado, on or about May 17, 1966, he requested the said Salvador Perez to paint the living room and kitchen of his apartment; that complainant is informed and believes and therefore alleges that said Salvador Perez did undertake the painting of a portion of complainant's apartment and did perform some painting in said apartment, working during the absence of complainant; that on said May 26, 1966, at the time said Salvador Perez was arrested by said officers of the San Francisco Police Department, said officers removed said telephone from said premises and thereafter notified the defendant, Pacific Telephone & Telegraph Company, a corporation, of said removal; that complainant has never at any time been engaged in any bookmaking activity, and, further, has never been engaged in any criminal activity of any kind or character; that complainant has requested defendant to have the said telephone facilities restored, but defendant has refused; that said refusal is predicated upon the statement of certain members of the San Francisco Police Department that said Salvador Perez was engaged in bookmaking activities upon said premises; that the continued deprivation of the use of the telephone facilities at the home of complainant will impose upon him a hardship which is wholly unwarranted under the circumstances; that complainant lives alone in said apartment and it is essential that he have available telephone service in the event of illness; that the refusal of defendant to reinstall telephone service to complainant is without due and lawful process and a deprivation of the constitutional rights of complainant; that complainant seeks restoration of said telephone facilities; 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 21st day of DECEMBER, 1966.

President

Commissioners

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