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Decision 82593

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DAVID COMMONS, Receiver for the
Estate of RALPH WILLIAMS
ENTERPRISES, INC., and RALPH
WILLIAMS ENTERPRISES, INC., a
California corporation, doing
business as RALPH WILLIAMS LEASING,

Complainants,

v.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,
Defendant.

Case No. 9672

ORDER GRANTING INTERIM RELIEF

Complainant Commons is the receiver in a bankruptcy proceeding filed on January 15, 1974 by complainant Ralph Williams Enterprises, Inc.

Complainants allege that defendant has informed them that telephone service will be discontinued forthwith and no referrals will be made to new numbers unless past due telephone bills are paid in full.

Complainants allege that payment for all bills for telephone service incurred after January 15, 1974, will be made on a current basis; that continuation of present telephone numbers is essential to a successful reorganization of complainant Ralph Williams Enterprises, Inc.; that payment in full of all past bills would be

a preference not countenanced by the Federal Bankruptcy Act; and that the contemplated action of defendant would deprive complainants of a significant property interest without due process of law.

Complainants seek an interim order requiring defendant to cease and desist from discontinuing service to the existing telephone numbers until the issues in their complaint have been heard, providing that bills for service since January 15, 1974 are maintained on a current basis.

The Commission is of the opinion that the complaint has shown good cause for the granting of interim relief. By this order defendant shall be directed to cease and desist from terminating service to complainant without full payment of all past bills.

This order is being issued without the benefit of an answer from defendant. We deem it appropriate for defendant to file an answer to the complaint within ten days of receipt of the formal service of the complaint, which will be served contemporaneously with this order. The assigned examiner may then wish to issue an order to show cause why the ex parte cease and desist order issued herein should not be continued. In this respect we call the parties' attention to the Commission's decision in 101 Plating Corporation v. The Pacific Telephone and Telegraph Company, D.82341, issued January 15, 1974. A petition for rehearing of that decision was filed on February 6, 1974.

IT IS ORDERED that:


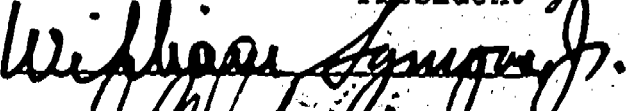
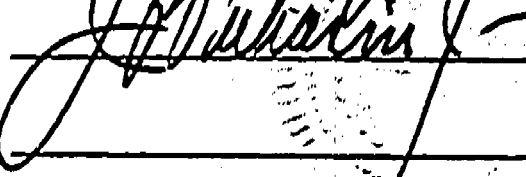

1. Defendant shall cease and desist from disconnection of service to complainants at their present telephone numbers pending further order of the Commission or until complainants fail to pay their bills for services rendered after January 15, 1974 on a current basis.

2. Defendant shall answer the complaint herein within ten days after service.

The Secretary is directed to serve a copy of this order and the complaint herein on defendant.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12th day of MARCH, 1974.


President



Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.