

Decision No. 84165

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of

RICHARD A. HOWARD,

Complainant,

v.

Case No. 9876

RADIO DISPATCH CORP., a
corporation, CARL B. HILLIARD,
JR., an individual, DOES I
through III, capacities unknown,

Defendants.

ORDER DENYING INTERIM RELIEF
AND SETTING HEARING

Complainant alleges that he is a 50 percent owner of the outstanding shares of defendant Radio Dispatch Corporation, a radio telephone utility regulated by this Commission. He further alleges that defendant Carl B. Hilliard, Jr., is a 50 percent owner of the outstanding shares of Radio Dispatch Corporation.

Complainant alleges that defendant Hilliard caused certain acts to be done, including ex parte appointment of a receiver by the San Bernardino Superior Court for the assets and day-to-day operations of Radio Dispatch Corporation, failure to advise the court of other relationships between defendant Hilliard and the receiver, relocation of the business of Radio Dispatch Corporation, and improper notice of Board of Directors meeting of Radio Dispatch Corporation, which resulted in removal of complainant as president of Radio

Dispatch Corporation. These activities were allegedly performed as legal counsel to Radio Dispatch Corporation.

Attached to the Complaint are Exhibits 1 through 25, which are service complaints by customers of Radio Dispatch Corporation. Complainant alleges that these complaints are indicative of the present improper management of Radio Dispatch Corporation and indicative of irreparable injury that will occur to Radio Dispatch Corporation through loss of customers should such poor service continue. Complainant prays for an immediate order appointing him manager and operator of Radio Dispatch Corporation, a restraining order against defendant Hilliard from interfering with the management and operation of Radio Dispatch Corporation, and an investigation of the issues raised by the complaint.

The issues raised in this complaint are much too complex to permit issuance of an ex parte order. Though we have great sympathy with the service problems which the customers of Radio Dispatch Corporation are allegedly facing, we are not blind to the jurisdictional problems between the province of the Superior Court and this Commission lurking in this complaint. The public interest requires prompt resolution of the allegations in this complaint. However, precipitous action, followed by petitions for rehearing and possible appeals, would cause delays which would only thwart the public interest. We therefore decline to grant interim relief as requested in the complaint. However, we shall set this matter down for immediate hearing.

Complainant is admonished that he is expected to prove his own case, and that he should not rely on the Commission staff investigating or even participating in this proceeding.

IT IS ORDERED that:

1. Complainant's request for interim relief is denied.
2. Hearings in this matter shall commence on Monday, March 17, 1975, at 10:00 a.m., at the Commission Courtrooms, 107 South Broadway Street, Los Angeles, California, before Examiner Blecher.
3. Defendants shall file their formal answers to this complaint no later than Friday, March 14, 1975, and shall address a copy thereof to Examiner Blecher in the Los Angeles office of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco , California, this 4th day
of MARCH , 1975.

Vernon L. Sturgeon
President
William J. Sturgeon
[Signature]
Leonard Ross
Commissioners