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Decision No. 84337

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

INCOME PROPERTIES/EQUITY TRUST,)
a California business trust, and)
PREMIERE HOTELS CORPORATION, a)
California corporation, doing)
business as GALA MOTOR HOTEL,)

Complainants,)

vs.)

Case No. 9899

THE PACIFIC TELEPHONE AND TELE-)
PHONE COMPANY, a California cor-)
poration,)

Defendant.)

ORDER DENYING INTERIM RELIEF

Complainants are the purchasers of a motor hotel. Complainants wish to supersede the telephone service of the past owner of the motel, thereby retaining the former telephone number. Defendant telephone company has demanded that complainants pay all past due telephone bills before permitting the supersedure. This is in accordance with defendant's filed tariff. Furthermore, defendant has informed complainants that it will not refer calls to the presently existing telephone number to any new telephone number unless the past due bills incurred by the former owners are paid. This is also in accordance with its supersedure rule. ✓

Complainants alleged that they have been notified that defendant intends to discontinue telephone service on April 16, 1975, unless the past due bills are paid. Complainants could obtain service under a new telephone number without paying the past due bills incurred by the former owners.

Complainants allege that the existing telephone number is a valuable business asset, and that loss of this number, or the refusal of the defendant to refer calls to a new number, would bring on immediate and irreparable injuries.

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Complainants assert that the supersedure rules are unfair, unconstitutional, illegal, void, unreasonable and unjust when applied to the instant situation and ask for an order requiring defendant to cease and desist from discontinuing service to complainants at the present telephone number until such time as a final determination of the issues can be determined by the Commission.

The Commission does not agree that the complaint herein states facts which amount to immediate and irreparable injury. Complainants can maintain the present telephone number by depositing the money in dispute (approximately \$10,000) with the Commission. Once this has been done, complainants will be secure from a discontinuance based on the sum in question. Disposition of the funds will be made in accordance with a final decision on that matter.

The Commission finds that good cause has not been shown to grant interim relief. This denial of interim relief is without prejudice to any action the Commission may take in its final decision. We conclude that the request for interim relief should be denied.

IT IS ORDERED that the request for interim relief is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this

15th day of APRIL, 1975.

Vernon L. Stenger
President
William J. ...
...
Leonard ...
Robert ...
Commissioners