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ORIGINAL

Decision No. 84508

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.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a California
corporation,

Defendant.

Case No. 9899

ORDER TO SHOW CAUSE AND
NOTICE OF HEARING ON MERITS OF COMPLAINT

Complainants are the purchasers of a motor hotel. Complainants wish to supersede to the telephone service of the immediate predecessor owner of the motel, thereby retaining the former telephone numbers. Defendant telephone company has demanded that complainants pay all past-due telephone bills of the immediate predecessor owner 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 numbers of the immediate predecessor owner to any new number complainants may obtain unless the past-due bills incurred by the immediate predecessor owner are paid. This is also in accordance with defendant's supersedure rule. Complainants can obtain service under a new telephone number without paying the past-due bills incurred by the immediate predecessor owner.

Complainants allege that the telephone numbers of the immediate predecessor owner are a valuable business asset, and that prevention of their use of these numbers, or the refusal of the defendant to refer calls to a new number, would cause a substantial loss of business, deprive complainants of a significant property interest, and cause loss of goodwill, public confidence, and trust in complainants' business. Complainants further allege that defendant's supersedure rules, tariff, and regulations violate due process of law under Article 1, Section 13 of the California Constitution, and of the Fourteenth Amendment of the United States Constitution.

Complainants sought interim relief from the Commission. This was denied by Commission Decision No. 84337 dated April 15, 1975; the Commission finding no showing of good cause, noting that complainants can maintain the presently existing telephone numbers of the immediate predecessor owner by depositing the money in dispute. Pursuant to that order denying interim relief, complainants have submitted a deposit of \$10,724.85 accompanied by "express conditions" to their deposit. The Commission in effect is asked to approve these "express conditions" ex parte.

Approval of these "express conditions" would allow the complainants to temporarily supersede to prior telephone service pending hearing and decision on their complaint to the defendant's supersedure rules, and in the event the final disposition on their complaint was adverse to complainants, entitle complainants to return of the deposit should complainants elect not to then supersede.

Granting of these "express conditions" therefore would have the effect on an interim basis of determining the disposition of these deposited funds despite the Commission's statement in Decision No. 84337 that "Disposition of the funds will be made in accordance with a final decision on that matter".

IT IS ORDERED that complainants appear before Examiner John B. Weiss at 10:30 a.m. on Monday, the 14th day of July, 1975, in the Courtroom of the Public Utilities Commission, State Building, 107 South Broadway, Los Angeles, California, for the complainants to show cause, if any should exist, why the Commission should modify its order in Decision No. 84337 that "Disposition of the funds will be made in accordance with a final decision on that matter", to accommodate the "express conditions" listed in complainants' April 18, 1975 letter, and

NOTICE IS HEREBY GIVEN that the Public Utilities Commission of the State of California has set the hearing on the merits in the above-entitled matter at the same time and place above stated before Examiner Weiss, at which time and place all interested parties may appear and be heard.

IT IS FURTHER ORDERED that a true copy of this order and notice be served upon the complainants and defendant at least ten days prior to the time fixed for the hearing of this order to show cause and hearing in the above-entitled matter.

Dated at San Francisco, California, this 3rd day of JUNE, 1975.

Vernon L. Stenger
President
William J. Quinn
James W. [unclear]
[unclear]
Commissioners