

Decision No. 84725**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AD VISOR, INC., a California Corporation,)

authorized exclusive agent for:)

GENERAL VAN & STORAGE CO. INC.)

and TORRANCE VAN & STORAGE CO. dba)

S & M TRANSFER & STORAGE CO.)

Complainant(s)

Case No. 9931

vs

PACIFIC TELEPHONE AND)

TELEGRAPH Company of California)

Defendant

ORDER DENYING INTERIM RELIEF

Complainants, other than Ad Visor (which styles itself as "authorized exclusive agent for" the other complainants) were and are advertisers in defendant's Orange County and South Orange Coast classified directories during 1972-1975 under the classification of Moving and Storage Service. Complainants allege that advertisements were accepted and published for competing businesses in the same classification of these directories.

Without going into a detailed description of the contentions in the complaint we note that complainants allege numerous violations of defendant's filed tariffs and internal directory rules and regulations in connection with the advertisements placed by defendant for these competitors. It is claimed that these violations have created unfair competitive conditions for complainants to their detriment.

As part of the relief requested complainants pray:

"1. That the Commission issue a temporary restraining order, ex parte to prohibit the publication of advertising the same as or similar to that complained of above in the classification Moving and Storage Service in the 1975 Orange County directory and the 1976 South Orange Coast directory, and that this order remain in effect until such time as a hearing can be held to determine if it should be made a permanent restraining order."

This order will concern itself solely with the request for interim relief. This relief, if granted, could have a detrimental effect on the ability of defendant to publish its 1975 Orange County and 1976 South Orange Coast directories on schedule. If this inconvenience to defendant were our only concern, we might well consider favorable action on complainants' request for interim relief. However, we must also consider the inconvenience to all users of South Orange County and South Orange Coast directories, as well as advertisers in those directories. Publication of new or changed listings might be delayed. New business, relying on revenue brought in by yellow page advertisements, might be fatally injured by this action.

We are aware of complainants' claim of competitive disadvantage. We are also aware of the possibility of recovery in damages available to complainants through an action in court. In reaching our decision to deny interim relief we have balanced the injury to complainants against the injury to all the users and advertisers who might be affected. We conclude that interim relief must be denied, without prejudice to any issue in this case.

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IT IS ORDERED that complainant's request for interim relief is denied.

The effective date of this order is the date hereof.

Dated at San Francisco , California, this 29th day of JULY , 1975.

Labstair
Robert R. Labstair
Commissioner

President
William J. Synnott
Vernon L. Stenger
L. Ross
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.