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Decision No. 86479

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES H. GOODWIN,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

Case No. 10184
(Filed September 28, 1976)

ORDER GRANTING INTERIM RELIEF

This is a complaint against The Pacific Telephone and Telegraph Company (PT&T) seeking to prevent discontinuance of a specific telephone number.

Complainant is an attorney. The complaint alleges that since June 2, 1972 complainant has maintained his office, in association with various attorneys, at 4715 South Crenshaw Boulevard, Los Angeles, California; that the associates had the telephone number (213) 299-2840; that initially, the associates agreed to share expenses equally, but as complainant's law practice grew at a rate faster than that of the other associates, they insisted and complainant agreed to pay a greater percentage of the expenses, including the bill for telephone service at the above-mentioned number; that in the two years immediately preceding the filing of the complaint, complainant paid 2/3 to 3/4 of the monthly telephone bill for (213) 299-2840; and that as of September 10, 1976, complainant received approximately 90 percent of the calls made to that number.

The complaint also alleges that in May 1976, the various parties agreed to dissolve their association in the practice of law; that all of the other associates determined to establish offices at different locations; that on or about September 1, 1976, former associate Luther Callion informed complainant that he had instructed PT&T to discontinue telephone service to telephone number (213) 299-2840, thereby disrupting service to complainant who is remaining at the current location; that complainant then contacted PT&T and was informed that Luther Callion's instructions would be carried out and that new telephone numbers would be issued to all of the former associates and all calls placed on one-year referral unless any party objected, whereupon there would be no referrals; and that of the other attorneys Morris, Callion, Roberts, and Clarke, only Luther Callion insists that the telephone service to complainant on number (213) 299-2840 be discontinued and incoming calls be referred by PT&T, while the other attorneys Morris, Roberts, and Clarke are indifferent on the matter.

The Commission finds that sufficient facts have been alleged to require maintenance of the status quo pending disposition of the complaint on its merits. If the number is discontinued and complainant were later to prevail on the merits, the interim disruption and attendant costs would be unreasonable. The Commission finds and concludes that the complainant has shown sufficient cause to warrant granting interim relief.

IT IS ORDERED that:

1. Defendant shall not disconnect complainant's telephone service at the number (213) 299-2840 until further order of this Commission, provided, however, that defendant may discontinue

service in accordance with its tariff if complainant does not pay for service when applicable payments become due.

2. Complainant is directed to serve by mail copies of the complaint and this order on attorneys Luther Callion, Arthur O. Morris, John Roberts, and Clifford Clarke, and to file with the Commission a certificate of service within ten days after service is made.

Hearings on this matter may be scheduled following completion of the normal pleadings contemplated in the Commission's Rules of Practice and Procedure.

The Executive Director is directed to cause a certified copy of this order to be personally served on defendant. Service on complainant may be made by mail.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 5th
day of OCTOBER, 1976.

[Signature] President
William J. Agnew
Vernon L. Stangen
[Signature]
Robert B. Johnson
Commissioners