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Decision No. 87711 AUG 16 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PHYLLIS SCHROBSDORFF, dba
BOCACCIO EUROPEAN MASSAGE STUDIO,
Complainant,

vs.

PACIFIC TELEPHONE & TELEGRAPH
COMPANY,
Defendant.

Case No. 10358
(Filed June 22, 1977)

ORDER DENYING INTERIM RELIEF

Complainant alleges that defendant agreed in writing on or about June 3, 1977 to publish two display advertisements in the yellow pages of the forthcoming San Francisco directory; that one display ad was for complainant's Bocaccio European Massage Studio at 428 O'Farrell Street, San Francisco, and the other display ad was for complainant's second location at her home telephone number; and that defendant breached its written agreement by informing complainant several days after the publishing deadline of June 2, 1977 that only one advertisement would be accepted.

Complainant filed a motion seeking a temporary restraining order to preclude defendant from removing the yellow page advertisements included in a letter from defendant dated May 27, 1977 or, in the alternative, to compel defendant to place two display advertisements in the yellow pages of the 1977 San Francisco directory.

The relief sought, if granted, could have a detrimental effect on the ability of defendant to publish its 1977 San Francisco directory on schedule. If this inconvenience to defendant were our only concern, we might consider favorable action on complainant's request for interim relief. However, the inconvenience to all the

users of the San Francisco directory, as well as advertisers in this directory, must also be considered. Publication of new or changed listings might be delayed. New business, relying on revenue brought in by yellow pages advertisements, might be injured by this action.

We are aware of complainant's claim of irreparable injury. We are also aware of the possibility of recovery in damages available to complainant through a civil action in court. In reaching a decision to deny the motion we have balanced the injury to complainant against the injury to all the users and advertisers who might be affected. It is our conclusion that the motion must be denied.

IT IS ORDERED that the motion for issuance of a temporary restraining order is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16th day of AUGUST, 1977.

Robert Bateman
 President

William J. ...

Virginia ...

Robert D. ...

Clare J. ...
 Commissioners