

Decision No. 87712 AUG 16 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HUGUETTE VAN CAYZEELE also known as
CATHERINE DE SAINT ANDRE doing business
as FRANCE MASSAGE & ABACA FRANCE,

Complainant,

vs.

THE PACIFIC TELEPHONE & TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 10360
(Filed June 24, 1977)

ORDER DENYING INTERIM RELIEF

Complainant alleges she does business under the name and style of France Massage at 2701 Van Ness Avenue, San Francisco, and Abaca France at 1453 Franklin Street, San Francisco; that defendant has determined that the advertising contracted for constitutes an unlawful preference and therefore will not accept the proposed advertisement; and that defendant's refusal to accept complainant's advertising under the name Abaca France is unlawful and will cause complainant to suffer irreparable injury.

Complainant filed a motion seeking a temporary restraining order directing defendant to include complainant's advertising in the forthcoming 1977 San Francisco directory yellow pages. The last date for placing ads was June 2, 1977.

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-page 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 without prejudice to any issue in this case.

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 3, 1977.

Robert Bateman
President
William Ayres, Jr.
Yvonne L. Spurgeon
Richard D. Howard
Paul J. Debrich
Commissioners