

Decision 9359S OCT 6 1981

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RaeBar Telecommunications )  
 Systems, Inc., )  
                           Complainant, )  
                           vs. )  
 Pacific Telephone and )  
 Telegraph Company, )  
                           Defendant. )

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Case 11034  
(Filed September 29, 1981)

TEMPORARY RESTRAINING ORDER

In additon to other relief, complainant, RaeBar Telecommunications Systems, Inc. (RaeBar), requests an order temporarily restraining defendant, The Pacific Telephone and Telegraph Company (Pacific), from disconnecting service for nonpayment of its bill for telephone service.

RaeBar admits that it is in arrears in its payments to Pacific. RaeBar contends, however, that the arrearage results from Pacific's failure to provide the telephone services contracted for, thereby damaging RaeBar's business and preventing it from generating the money to pay Pacific.

In the complaint RaeBar describes itself as a national telephone answering service which provides WATS numbers for the use of various large television and catalog advertisers, charging them on a per-call basis. RaeBar alleges that, as a result of problems in the Bell System's telephone plant, between 50,000 and 60,000 calls per month have not been delivered, as contracted for, to RaeBar's answering service center.

RaeBar states that its monthly loss of revenues caused by the impaired service provided by Pacific ranges from \$30,000 to \$40,000. RaeBar alleges that, as a result of this breach of contract by Pacific, it has sustained damages approximately \$600,000 since April 1979, when the service was established.

Pacific has given RaeBar a seven-day notice of termination of service for nonpayment. RaeBar asserts that such termination could force it out of business.

We find that RaeBar might sustain irreparable injury if Pacific were to disconnect service in accordance with the seven-day notice. We conclude that Pacific should be temporarily restrained, effective immediately, from disconnecting RaeBar's service pending further order of the Commission after public hearing on the issue of continuing this injunctive relief.

Because irreparable injury could result to RaeBar if this order were not issued, an emergency situation exists and seven days public agenda notice is not required.

IT IS ORDERED that:

1. The Pacific Telephone and Telegraph Company (Pacific) is restrained until further order from disconnecting telephone service to RaeBar Telecommunications Systems, Inc.
2. The complaint is set for hearing at 9:30 a.m. on Tuesday, October 13, 1981, in the Commission Courtroom, State Building, 350 McAllister Street, San Francisco, California, before Administrative Law Judge Haley.

3. The Executive Director of this Commission shall cause a certified copy of this order to be served forthwith upon Pacific.

This order is effective today.

Dated OCT 6 1981, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

*I certify that this decision was approved by the above Commissioners today.*

A handwritten signature in cursive script, likely of John E. Bryson, is written over a circular official seal. The seal contains the text "COMMISSIONER OF LABOR RELATIONS" around the perimeter and "STATE OF CALIFORNIA" in the center. The signature is written in dark ink and is partially obscured by the seal.