

ORIGINAL

Decision No. 42459

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BOB B. LEVY

Complainant.)

vs.)

CASE NO. 5035

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY,

Defendant.)

David A. Hill, for Complainant; Pillsbury, Madison, and  
Sutro, by John A. Sutro, and Lawler, Felix and Hall, by L. E.  
Conant, for defendant.

O P I N I O N

Under date of April 12, 1949, Complainant filed a verified complaint alleging, in substance, that his residential telephone service at 172 North Formosa Avenue, Los Angeles, California, under the number York 5550, had been disconnected by Defendant, The Pacific Telephone and Telegraph Company; that said service was not used as an instrumentality, directly or indirectly, to violate, or aid and abet the violation of the law, and that great and irreparable damage would result unless the service were restored. Upon the basis of these allegations, this Commission issued an Order Granting Temporary Interim Relief, in Decision No. 42748, dated April 19, 1949, in Case No. 5035. This order set the matter for hearing and directed the telephone company to restore service to Complainant pending hearing and decision in this matter.

The defendant company filed an answer to the foregoing complaint, alleging that the telephone service was disconnected as a result of written information from the State of California Special Crime Study Commission on Organized Crime, to the effect that the telephone service in question was used for book-making.

A public hearing was held in this matter before Examiner Syphors in Los Angeles, at 10 a.m., on June 15, 1949, at which time evidence was adduced and the matter submitted.

Complainant presented three affidavits, all tending to show the impaired physical condition of complainant's wife, and of his mother-in-law, both of whom reside at the address in question. These affidavits were received in evidence inasmuch as no objections were interposed by the defendant telephone company. It was stipulated by the parties to this case that a letter was received by the telephone company, from the Special Crime Study Commission on Organized Crime, in connection with the aforesaid telephone, and it was further stipulated that the complainant would not raise any issue as to whether or not the letter from the Crime Commission constituted reasonable cause, such as to justify the telephone company in disconnecting this telephone service. No further evidence was presented by either party.

In view of the fact that there was no evidence against this complainant indicating an unlawful or unauthorized use of the telephone in question, we feel that the Order Granting Temporary Interim Relief should be made permanent so long as the telephone service in question is conducted lawfully and in accordance with the applicable rules, regulations, rates, and charges.

O R D E R

IT IS ORDERED that The Pacific Telephone and Telegraph Company is hereby directed to continue to furnish to Complainant, the telephone service temporarily restored by Decision No. 42748, supra.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco California, this 25th day of October, 1949.

A. E. Anderson  
Justus F. Calver  
Thos. F. Loefer  
Harold F. Kula  
Herbert H. Potter  
COMMISSIONERS