

ORIGINALDecision No. 44543

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOSEPH S. GOODMAN and LEON I. MARCHASIN,
Petitioners,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY,
a corporation,
Defendant.

CASE NO. 5187

Pillsbury, Madison & Sutro, by Noble K. Gregory,
for The Pacific Telephone and Telegraph Company.O P I N I O N

Petitioners herein filed a complaint with this Commission alleging that, on or about February 2, 1950, the respondent telephone company disconnected and removed a telephone located at the premises of the petitioners, 8741 South Vermont Avenue, in the County of Los Angeles, California, under telephone number Pleasant 3-9512. The petition requests restoration of these facilities. Under date of March 6, 1949, by Decision No. 43876, this Commission issued an order granting temporary interim relief, directing the respondent telephone company to restore the above-described telephone service pending a hearing on the complaint.

A public hearing was held at Los Angeles on June 16, 1950, before Examiner Syphers. At the hearing no one appeared for petitioners and, accordingly, the hearing was called and

adjourned for the purpose of notifying the attorney for petitioners, Mr. Marin T. Kristovich. This attorney could not be reached. Accordingly, the hearing was resumed and evidence adduced.

The record shows that notice of hearing was mailed to both the petitioners and their attorney.

At the hearing, the telephone company introduced into evidence a letter it had received from the sheriff of Los Angeles County, dated January 26, 1950. This letter requested that the telephone company disconnect service to telephone Pleasant 3-9512, located at 8741 South Vermont Avenue, in accordance with the order of this Commission contained in Decision No. 41415, issued April 6, 1948 (47 Cal. P.U.C. 853).

Further testimony was presented to show that the telephone in question was a public pay telephone which was installed by the company at its discretion, in accordance with the rules and regulations in force at the time of installation. The pertinent provisions of these rules and regulations are as follows:

"2. Public telephones will be installed by the Company, at its discretion and at locations chosen or accepted by the Company, to meet the general and transient public requirements. The use of public telephones by the occupants of the premises in which they are located is only incidental to the purpose for which such telephones are installed (SCHEDULE CAL. P.U.C. NO. 11-T Original Sheet 6).

"4. Public telephone station signs are furnished and displayed at the option of the Company.

"5. Telephone numbers of public telephones will not be listed in the telephone directory.

"Public Telephone Station:

"A non-listed, non-subscriber exchange station installed for the convenience of the public at a location chosen or accepted by the Company (SCHEDULE CAL. P.U.C. NO. 36-T Original Sheet 14)."

It was developed that the petitioners herein are not the subscribers to the telephone in question but are merely paid 15% of the income derived from the telephone as a rental for the use of the premises.

After a thorough consideration of this matter we are of the opinion and hereby find that the telephone company had "reasonable cause to believe that the use made or to be made of the service or the furnishing of the service to the premises" of the petitioners was prohibited by law, inasmuch as the letter from the sheriff of Los Angeles County, California, constitutes such reasonable cause under the terms of Decision No. 41415, supra.

In view of this finding, the right of the telephone company to disconnect a public coin-box telephone of the type herein furnished need not be decided in this proceeding.

O R D E R

A Petition and Answer having been filed in the above-entitled case, a public hearing having been held therein, the Commission being fully advised in the premises and basing its decision upon the record in this case,

IT IS HEREBY ORDERED:

(1) That The Pacific Telephone and Telegraph Company be, and it hereby is, permitted to disconnect and remove the telephone service at 8741 South Vermont Avenue in the County of Los Angeles, California, under number PLeasant 3-9512.

(2) The Secretary is hereby directed to serve, by registered mail, a certified copy of this decision upon each of the parties in this case.

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

Dated at San Francisco, California, this 18th day of July, 1950.

R. E. [Signature]
Justin F. [Signature]
[Signature]
Harold J. [Signature]
[Signature]
 COMMISSIONERS