

**ORIGINAL**

Decision No. 50203

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARTHUR B. CRIGLER, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 THE PACIFIC TELEPHONE AND TELEGRAPH )  
 COMPANY, a corporation, )  
 )  
 Defendant. )

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Case No. 5528

Pillsbury, Madison & Sutro, by John A. Sutro, and  
Lawler, Felix & Hall, by L. B. Conant, for defendant.

O P I N I O N

The complaint alleges that Arthur B. Crigler, of 12710 South Western Avenue, Los Angeles, prior to October 1, 1951 was a subscriber and user of telephone service under number PLeasant 5-6262, furnished by defendant company. On or about October 1, 1951 these telephone facilities were disconnected by officers of the Sheriff's Department of Los Angeles County. The complaint further alleges that the complainant did not use and does not now intend to use the telephone facilities as an instrumentality to violate the law, and that he has suffered and will suffer irreparable injury and great hardship as a result of being deprived of these telephone facilities.

Under date of March 9, 1954 this Commission, by Decision No. 49765 in Case No. 5528, issued an order granting

temporary interim relief, directing the telephone company to restore telephone service to complainant pending a hearing on the matter. On March 22, 1954 the telephone company filed an answer, the principal allegations of which were that defendant company had reasonable cause, pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), to believe that the telephone service furnished to complainant under number Pleasant 5-6262 at 12710 South Western Avenue, Los Angeles, was being or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the violation of the law.

Public hearing was held in Los Angeles on May 27, 1954 before Examiner Syphers.

At the hearing the matter was called at 10 a.m. and again at 11 a.m. There was no appearance for complainant, and accordingly the defendant telephone company moved to have the complaint dismissed and the interim order dissolved. Likewise, the telephone company introduced into evidence Exhibit No. 1, a letter from the Sheriff of Los Angeles County, received by the telephone company on February 14, 1951, requesting that telephone service under number Pleasant 5-6262, at 12710 South Western Avenue, be disconnected. The position of the telephone company was that it had acted with reasonable cause in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

After a consideration of this record we now find that the telephone company's action was based upon reasonable cause, as such term is used in Decision No. 41415, supra.

O R D E R

The complaint of Arthur B. Crigler against The Pacific Telephone and Telegraph Company having been filed, the matter having been set for public hearing, and there having been no appearance for complaint, and motion having been made to dismiss the complaint herein and dissolve the interim order,

IT IS ORDERED that the complaint herein be and it hereby is dismissed, and the temporary interim relief granted by Decision No. 49765, dated March 9, 1954, in Case No. 5528, be and it hereby is set aside and vacated.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of June, 1954.

John E. Mitchell  
President  
Justus F. Caswell  
Bernie Higgins

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Commissioners

Commissioner Kenneth Potter, being necessarily absent, did not participate in the disposition of this proceeding.