

Decision No. 50715

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SARAH WHITLEY,

Complainant,

-vs-

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 5567

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

O P I N I O N

The complaint alleges that Sarah Whitley who resides at 1141 E. Rosecrans Avenue, Los Angeles 59, California, prior to August 4, 1954, was a subscriber and user of telephone service furnished by defendant company under number NEwmark 6-8495. On or about August 4, 1954, these telephone facilities were disconnected by officers of the Sheriff's Department of the County of Los Angeles. The complainant has made demand upon the defendant telephone company to restore service but it has refused to do so. It is further alleged that the complainant has suffered and will suffer great hardship as a result of being deprived of the telephone facilities in question, and further that she did not use and does not now intend to use, nor does she have any

knowledge that any other persons have used the said telephone facilities as an instrumentality to violate the law.

Under date of August 24, 1954, by Decision No. 50455 this Commission issued an order granting temporary interim relief, directing the telephone company to restore service under number NEwmark 6-8495. On September 2, 1954, the defendant telephone company filed an answer, the principal allegation of which was that the telephone company had reasonable cause to believe that the telephone service furnished to the complainant under number NEwmark 6-8495 at 1141 E. Rosecrans, 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, and that having such reasonable cause the defendant was required to disconnect the service pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853). In the answer, the defendant further alleged that the service furnished to complainant was under telephone number NEvada 6-8495 rather than under telephone number NEwmark 6-8495 as alleged in the complaint, and that complainant Sarah Whitley is also known as Sarah Cobb.

A public hearing was held in Los Angeles before Examiner Kent C. Rogers on October 18, 1954, at which time evidence was adduced and the matter submitted.

At the hearing there was no appearance for the complainant, either at the first call at 10:00 a.m., or at the second call at 11:00 a.m. The file discloses that notice of the

original hearing, which was set for October 14, 1954, was sent to complainant by registered mail on September 29, 1954, that thereafter the hearing was continued to October 18, 1954, and notice of the continued hearing was sent to complainant by registered mail on October 6, 1954. The defendant telephone company introduced in evidence Exhibit No. 1, a copy of a letter from the Los Angeles County Sheriff to the defendant telephone company dated August 4, 1954, requesting that telephone service under number NE 6-8495, at 1141 Rosecrans, be disconnected. Subsequently the telephone company did effect a central office disconnection. 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 full consideration of the record we now find that the action of the telephone company was based upon reasonable cause, as such term is used in Decision No. 41415, supra. Inasmuch as there was no appearance by the complainant, the complaint herein will be dismissed and the order granting temporary interim relief will be ~~dismissed~~ *vacated*.

O R D E R

The complaint of Sarah Whitley, also known as Sarah Cobb, against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the

matter now being ready for decision, and the Commission being fully advised in the premises and basing its decision on the evidence of record and the findings herein,

IT IS ORDERED that the complaint herein be and it hereby is dismissed. The temporary interim relief granted in Decision No. 50455 in Case No. 5567 is hereby set aside and vacated.

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

Dated at Los Angeles, California,
this 26th day of OCTOBER, 1954.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners