

business and that on the restoration of service he will utilize the telephone for legitimate business communications.

Public hearing was held in San Francisco before Examiner Rowe on May 23, 1956, at which time evidence was adduced and the matter was duly submitted.

Henry F. Cannon testified that he and his wife manage the 32-room Home Hotel at the above stated location. He stated that several guests had moved out because of the fact that no telephone services were there available and that others had refused to move in for the same reason. He admitted that about three years ago he had pleaded guilty to a charge of soliciting for prostitution and has been placed on probation.

As a result of his arrest, a few days before the removal of the telephone, he was tried and convicted of violation of Section 240a of the San Francisco Police Code, under charge of soliciting in connection with prostitution. For this offense he served a term of sixty days in the county jail.

He testified that he had performed no illegal activity at the hotel and had never used the telephone for an illegal act. In view of the fact that the complaint failed to allege that complainant had not and would not use the telephone for illegal purposes, and because he failed to produce corroborating testimony, the Commission is unable to find that this man, twice convicted for violation of crimes involving prostitution, has not and will not in the future use the telephone for illegal purposes should it be ordered reinstalled.

Exhibit No. 1 is a letter dated June 8, 1955, from George M. Healy, Acting Chief of Police of the City and County of San Francisco, to the defendant telephone company stating that investigation by his office disclosed that communication facilities

furnished by said company, at 68 Sixth Street, Apt. 6, San Francisco, telephone number He. 1-9956, were, on June 8, 1955, being used for the purpose of procuring women for prostitution in violation of the vice laws of the State and of the City. The telephone facilities are alleged in the answer to have been Hemlock 1-9956 as stated in the letter from the Acting Police Chief, rather than Underhill 1-9956 as alleged in the complaint. The evidence of record supports the allegation of defendant.

The position of the telephone company was that as a result of the receipt of Exhibit No. 1 it acted with reasonable cause, as that term is defined in Decision No. 41415, dated April 6, 1948, in Case No. 4930, in disconnecting and refusing to reconnect the service until ordered to do so by this Commission.

After consideration of the 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. We find that the telephone facilities were used for illegal purposes, and there is no convincing evidence to justify a finding that such telephone facilities, if reinstalled, would not be used for such purposes. ✓
✓
✓

O R D E R

The complaint of Henry F. Cannon against The Pacific Telephone and Telegraph Company having been filed, a public hearing

having been held thereon, the Commission being fully advised and basing its decision on the evidence of record,

IT IS ORDERED that the complainant's request for restoration of telephone service is denied, and said complaint is dismissed.

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

Dated at San Francisco, California, this 76th day of June, 1956.

John E. Mitchell
President
Justin J. Calmes
Roy S. Interviewer
Maxwell

Commissioners

Commissioner Rox Hardy, being necessarily absent, did not participate in the disposition of this proceeding.