

Decision No. 54284**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RAY KERN,

Complainant,

vs.

Case No. 5827

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Ray Kern, in propria persona.Pillsbury, Madison & Sutro, and Lawler, Felix & Hall,  
by L. B. Conant, for defendant.Harold W. Kennedy, County Counsel, by Roland J. Worthy,  
Deputy County Counsel, for the Sheriff's Department  
of Los Angeles County, intervener.OPINION AND ORDER

The complaint for restoration of telephone service at 541 West Valley Boulevard, El Monte, California, was filed on September 28, 1956. It is therein alleged that the telephone service furnished to complainant at the above address was a public pay telephone. On October 10, 1956, the defendant filed an answer in which it is alleged that the telephone service in question is a public, non-listed, non-subscriber telephone station.<sup>1/</sup>

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<sup>1/</sup> The Pacific Telephone and Telegraph Company tariff schedule Cal. P.U.C. No. 11-T, 1st Revised Sheet 6 contains paragraph 2 reading as follows: "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 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."

A public hearing on the matter was held in Los Angeles on November 23, 1956, before Examiner Kent C. Rogers. At the hearing the Deputy County counsel stated that the Los Angeles County Sheriff's office has no objection to the reinstallation of the public telephone service on complainant's premises at 541 West Valley Boulevard, El Monte, California.

It appearing that the complainant is not a subscriber to telephone service furnished by the defendant at complainant's premises,

IT IS ORDERED that the complaint of Ray Korn for restoration of public, non-listed, non-subscriber telephone service at 541 West Valley Boulevard, El Monte, California, be, and the same hereby is, dismissed. The defendant may, if it so desires, re-install a public telephone on the complainant's premises at 541 West Valley Boulevard, El Monte, California, subject to the defendant's applicable rules and regulations on file with this Commission.

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

Dated at San Francisco, California, this 14<sup>th</sup> day of DECEMBER, 1956.

[Signature]  
President

[Signature]

[Signature]

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Commissioners