

ORIGINAL

Decision No. 54443

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEOR JENSEN and PINKNEY W. OWEN,
dba St. Regis Cafe,

Complainants,

vs.

Case No. 5852

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

John G. Zelezny for complainants.

Lawler, Felix & Hall, by L. B. Conant, for defendant.

Roger Arnebergh, City Attorney, and Walter C. Foster,
Deputy City Attorney, by Walter C. Foster, for
the Police Department of the City of Los Angeles,
intervener.

OPINION and ORDER

The complaint for restoration of telephone service at 1303 West Sixth Street, Los Angeles, California, was filed on November 20, 1956. It is therein alleged that the telephone service furnished to complainants at the above address was a public telephone. On December 7, 1956, the defendant filed an answer in which it is alleged that the telephone service in question is a nonlisted, nonsubscriber public telephone.

1/ 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 January 7, 1957, before Examiner Kent C. Rogers. The complainant's attorney moved for a dismissal of the complaint for the reason that the complainants are not subscribers to nor users of telephone service furnished to them by the defendant.

Good cause appearing, IT IS ORDERED that the complaint of Leor Jensen and Pinkney W. Owen, doing business as the St. Regis Cafe, for restoration of public nonlisted, nonsubscriber telephone service at 1303 West Sixth Street, Los Angeles, California, be, and the same hereby is, dismissed.

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

Dated at Los Angeles, California,
this 29th day of JANUARY, 1957. 46

[Signature]
President

[Signature]

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Commissioners