

ORIGINAL

Decision No. 54479

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STEPHEN M. & SELMA HANCAK,
Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,
a corporation,
Defendant.

Case No. 5848

Stephen M. Hancak 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 Los Angeles City Police Department,
intervener.

OPINION and ORDER

The complaint for restoration of telephone service at 1523 South Grand Avenue, Los Angeles, California, was filed on November 13, 1956. On November 19, 1956, by Decision No. 54085 in Case No. 5848, this Commission ordered that the telephone service be restored pending a hearing on the complaint or further order thereon. On November 29, 1956, the defendant filed its answer in which it is alleged that the telephone service in question is a nonlisted, nonsubscriber public telephone maintained

by it at 1523 South Grand Avenue, Los Angeles, California, for the convenience of the public.^{1/}

A public hearing on the matter was held in Los Angeles on January 7, 1957, before Examiner Kent C. Rogers. At the hearing Stephen M. Hancak stipulated that the service he seeks to have restored is a public, nonsubscriber, nonlisted telephone. Evidence was presented by the intervener from which could be concluded that the telephone referred to was used for bookmaking purposes and that the complaining witness who appeared at the hearing was aware that it was so used.

Upon the record herein it appears, and we find, that the complainant is not a subscriber to the telephone service furnished by the defendant at complainant's premises.

IT IS ORDERED that the complaint of Stephen M. and Selma Hancak for restoration of public, nonlisted, nonsubscriber telephone service at 1523 South Grand Avenue, Los Angeles, California, be, and the same hereby is, dismissed. The temporary interim

^{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."

relief granted by Decision No. 54085 in Case No. 5848 is hereby set aside and vacated.

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

Dated at San Francisco, California,
this 5th day of FEBRUARY, 1957.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.