

**ORIGINAL**Decision No. 55207

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BETTY OLSEN and CARROLL ENTERLINE, )  
partners, doing business as )  
UNION SQUARE STUDIO, )

Complainants, )

vs. )

Case No. 5915 )

THE PACIFIC TELEPHONE AND TELEGRAPH )  
COMPANY, a corporation, )

Defendant. )

John R. Golden, for complainants;  
Pillsbury, Madison & Sutro, John Sutro  
and Dudley A. Zinke, for defendant.

O P I N I O N

Complainants allege that prior to March 9, 1957, they were subscribers and users of telephone service furnished by defendant under the number Sutter 1-4827 at 278 Post Street, San Francisco, California; and that on said date defendant disconnected these telephone facilities upon the assertion that they were being used as an instrumentality to violate the law. The complaint further alleges that complainants have not used and do not intend to use these telephone facilities for any unlawful purposes. As a result, complainants contend they have suffered and will suffer irreparable injury and great hardship.

On April 9, 1957, by Decision No. 54825 in Case No. 5915, this Commission issued an order granting temporary interim relief, directing the telephone company to restore the above-described service pending a hearing on the complaint.

The telephone company filed an answer on March 26, 1957, the principal allegation of which was that it had reasonable cause to believe that the telephone facilities in question were being used to violate the law and that, accordingly, the telephone company disconnected and discontinued the telephone service pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930, (47 Cal. P.U.C. 853).

A public hearing was held before Examiner Thomas E. Daly on June 6, 1957, at San Francisco and the matter was submitted.

The telephone was disconnected by defendant in compliance with a written request by the Chief of Police of San Francisco wherein it was contended that the telephone was being used for the purpose of procuring women for prostitution in violation of the vice laws of the State of California.

The record indicates that a San Francisco police officer visited the premises in question after making an appointment by telephone. The premises were equipped and furnished as a massage parlor. Shortly after being shown to a room by one of the complainants, a woman employee wearing a white uniform appeared at the door. She told him that a massage would cost \$6 and after some prompting on his part he stated that she quoted him a price to perform an immoral and illegal act. He thereupon made himself known as a police officer and placed the woman employee and complainants under arrest.

It was denied that the woman quoted a price for an immoral act. It was stated that the price quoted was for a massage and steam cabinet treatment. The officer testified that at no time did he speak to the complainants about the performance of immoral acts either on the telephone or after arriving upon the premises.

Subsequently, complainants and the woman employee were acquitted of all criminal charges.

After consideration the Commission is of the opinion and so finds that there is nothing in the record that would lead to the conclusion that the telephone was being used for an unlawful purpose.

O R D E R

A complaint having been filed and the Commission being advised in the premises,

IT IS ORDERED that the order in Decision No. 54825 in the above-numbered case, dated April 9, 1957, temporarily restoring service to these complainants, be made permanent.

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

Dated at San Francisco, California, this 2nd day of July, 1957.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners