

Decision No. 55312**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARGIE L. DONATI,

Complainant,

vs.

Case No. 5932

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Bert W. Hirschberg, for complainants;
Pillsbury, Madison & Sutro, John Sutro and
Dudley A. Zinke, for defendant.

O P I N I O N

The record discloses that on or about May 10, 1956, defendant disconnected the telephone service furnished to Dino Donati at 19 Castlemont Avenue, Daly City, under number Plaza 5-5400. Service was discontinued following receipt of a letter from the Chief of Police of Daly City, which stated that the instrument was being used for the purpose of disseminating horse racing information used in connection with bookmaking in violation of Section 337(a) of the Penal Code. Thereafter, telephone service was furnished on a temporary basis to complainant, wife of Dino Donati, at the above address under number Plaza 6-5031. She seeks herein to have the service made permanent.

A public hearing was held before Examiner Thomas E. Daly on June 25, 1957, at San Francisco, and the matter was submitted.

Dino Donati was convicted of bookmaking and is presently on probation. Complainant stated that the telephone facilities under number Plaza 6-5031 are not now used, nor have they been used, for

illegal purposes. She further stated that said facilities are necessary to the health and safety of her two minor children.

After consideration the Commission is of the opinion and so finds that the telephone facilities under number Plaza 6-5031 are not now used, nor have they been used, for illegal purposes. The Commission also finds that the telephone company acted reasonably when it installed the telephone facilities under number Plaza 6-5031 on a temporary basis. The Commission further finds that telephone company's action in disconnecting the telephone under number Plaza 5-5400 was based upon reasonable cause as that term is used in Decision No. 41415.

O R D E R

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

IT IS ORDERED that the telephone service which defendant presently provides complainant under number Plaza 6-5031, on a temporary basis, be made permanent subject to the company's tariff rules and the applicable law.

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

Dated at Los Angeles, California, this 30th day of July, 1957.

John E. Mitchell President
Paul W. Erenie
Walter Dale
R. H. ...
E. J. Fox Commissioners