

ORIGINAL

Decision No. 56162

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GERALDINE SLAVIN,)
)
 Complainant,)
)
 vs.)
)
 THE PACIFIC TELEPHONE AND TELEGRAPH)
 COMPANY, a corporation,)
)
 Defendant.)
)
)

Case No. 6010

Arthur D. Klang, for complainant.
Pillsbury, Madison & Sutro, by John A. Sutro
 and Dudley A. Zenke, for defendant.

O P I N I O N

A public hearing of the above matter was held before Examiner Thomas E. Daly on December 27, 1957, at San Francisco.

The record discloses that prior to October 29, 1957, defendant furnished complainant with a one party, residential, nonpublished telephone service under number JUNiper 3-1255 located at 20 Carlsbad Court, South San Francisco, California; that on or about said date defendant discontinued such service following receipt of a letter from the Chief of the Intelligence Division of the Federal Internal Revenue Service, which indicated that complainant's telephone, and its three extensions, were being used for the unlawful purpose of bookmaking in that one Charles Leahy, a guest at the above

residence, was arrested upon the premises on the charge of operating as a bookmaker, without first having obtained a tax stamp; that with the exception of the letter asserting such unlawful operation there is no evidence to support the contention that the telephone and its extensions were being used for an unlawful purpose. The record further discloses that complainant has a small child suffering from an asthmatic condition and the telephone is necessary to call the doctor.

After consideration and based upon the evidence of record, the Commission is of the opinion and so finds that the telephone facilities under number JUniper 3-1255 were not used for an illegal purpose. The Commission also finds that the defendant telephone company's action in disconnecting the telephone facilities under number JUniper 3-1255 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 discontinued be restored to complainant 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 San Francisco, California, this 28th day of January, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners