

ORIGINAL

Decision No. 56533

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PRESTON TAYLOR,

Complainant,

vs.

Case No. 6045

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Preston Taylor in propria persona.

Lawler, Felix & Hall, by Thomas E. Workman, Jr.,
for defendant.

Patrick Coleman, Deputy City Attorney, for the
Police Department of the City of Los Angeles,
intervener.

O P I N I O N

Public hearing was held in this matter before Examiner Grant E. Syphers in Los Angeles on March 24, 1953, at which time evidence was adduced and the matter submitted. It now is ready for decision.

Preston Taylor is the owner and operator of a beauty shop at 5953 South Broadway in the City of Los Angeles. In the conduct of this business he employed six operators. There was a pay telephone in the establishment and six extensions thereto, one for each of the operators. In addition to these telephones there was another separate line which went to a "men's clinic" which was operated by one Charlie Wells who was a partner of Taylor in

the operation of the beauty shop. The men's clinic was presumably engaged in the activity of restoring hair and giving various types of scalp treatment to men.

On December 5, 1957, two police officers of the City of Los Angeles entered the premises and observed Charlie Wells consulting a scratch sheet. There was a betting marker on his desk. While the officers were there the separate telephone in the men's clinic rang and one of the officers recorded a bet on the telephone. At that time this telephone was removed and Charlie Wells was placed under arrest.

Subsequently, on December 20, 1957, the same two officers entered the premises and again observed Wells in the possession of betting paraphernalia and again they received a bet over one of the extension telephones. At that time they took out all six of the extension telephones and again arrested Wells.

Under date of January 2, 1958, the Chief of Police of the City of Los Angeles wrote a letter to the defendant telephone company requesting that the telephone facilities be disconnected.

In the complaint filed in this matter the complainant now requests an order directing the telephone company to restore these telephone facilities. This demand has been refused, and the telephone company in its answer alleges that the facilities were disconnected because it had reasonable cause to believe that the use made or to be made of said telephone service was prohibited by law.

There was no evidence on this record indicating that the complainant Preston Taylor had used the telephones for any unlawful purposes, and the testimony also disclosed that Charlie Wells is no longer connected with the beauty salon.

Further, the complainant testified that he needed these telephones in the conduct of his business and that he had no intention of using them for any unlawful purpose. The complainant has been without telephone service since December 20, 1957.

Upon this record we find that the telephone company exercised due care in taking the action it did, and we further find that this action was based upon reasonable cause as such term is used in Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853). We further find that the complainant now is entitled to restoration of telephone service. He has been without such service for over three months, and the offending party no longer is connected with the establishment.

O R D E R

The complaint of Preston Taylor against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the case now being ready for decision, the Commission being fully advised in the premises and basing its decision on the evidence of record and the findings herein,

IT IS ORDERED that after the effective date of this decision and upon the filing of a proper application by the complainant Preston Taylor, The Pacific Telephone and Telegraph Company

shall install telephone service at the premises of Preston's Beauty Salon, at 5953 South Broadway, Los Angeles, California.

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

Dated at San Francisco, California,
this 15th day of APRIL, 1953.

[Signature]
President
[Signature]
[Signature]
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Commissioners