

Decision No. 56534

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANNE KLIPPELL,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 6033

O P I N I O N

A public hearing of the above matter was held before Examiner Thomas E. Daly on March 27, 1958, at San Francisco.

The record discloses that prior to December 30, 1957, defendant furnished complainant with telephone service under number DE 3-0688 at 109 Brazil Street, Apartment 8, San Francisco; that on or about said date defendant discontinued such service following receipt of a letter from the Chief of Police of San Francisco, which indicated that complainant's telephone was being used or was to be used in connection with bookmaking in violation of Section 337(a) of the Penal Code; that on June 7, 1956, complainant was arrested for bookmaking at 816 Geary Street, Apartment 24, San Francisco, and telephone facilities under number PR 6-3621 were disconnected; that in November, 1957, complainant was again arrested for bookmaking at 1226 Church Street, Apartment 3, San Francisco, and before telephone facilities under number VA 4-8440 could be disconnected complainant ordered a change of location in her service to 109 Brazil Street, Apartment 8, San Francisco; that based upon these facts the Chief of Police of San Francisco requested defendant to disconnect telephone service under number DE 3-0688, although there was no evidence that said facilities were being used unlawfully; that following the arrests heretofore mentioned complainant was released each time

without being prosecuted.

After consideration the Commission is of the opinion and so finds that the evidence of record fails to prove that the telephone facilities in question were used for an illegal purpose. The Commission also finds that the defendant telephone company's action in disconnecting the telephone facilities under number DE 3-0688 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 at 109 Brazil Street, Apartment 8, San Francisco 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 15th day of April, 1958.

[Signature]
President

[Signature]

[Signature]

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Commissioners