

ORIGINAL

Decision No. 55538

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BETTY ST. JOHN,  
Complainant,

vs.

Case No. 6046

PACIFIC TELEPHONE & TELEGRAPH  
COMPANY,  
Defendant.

C. K. Fitzgerald, attorney for complainant.  
Lawler, Felix and Hall, by Thomas E. Workman, Jr.,  
for defendant.  
James Don Keller, District Attorney, County of  
San Diego, and Lt. Harvey L. Munteer, for  
National City Police Department, intervenors.

O P I N I O N

Complainant Betty St. John has petitioned this Commission for an order reinstating telephone service in her home, 323 West 18th Street, National City, California.

A public hearing was held in San Diego before Examiner Mark V. Chiesa. Evidence, oral and/or documentary, was presented by complainant and defendant telephone company and the matter was submitted for decision.

The record shows that The Pacific Telephone and Telegraph Company, defendant herein, on or about October 20, 1955, discontinued telephone service to complainant's home pursuant to the order of this Commission in Decision No. 41415, defendant first having

been notified by letter of the District Attorney of San Diego County, dated October 13, 1955, that complainant's telephone, listed under number GRidley 7-3792, was being used as an instrumentality to violate the laws of the State of California, to wit, Penal Code Section 315 (Keeping House of Ill-Fame). The disconnection was made at the request of the district attorney.

The evidence further shows that complainant pleaded guilty to keeping a house of ill-fame and was fined and placed on probation.

Complainant testified that she now needs a telephone at said address, her present home, in order to assist her in making a legitimate living for herself and her husband who is able to work only part time because of an arthritic condition; that she is now partially engaged in selling and taking orders for match books used for advertising purposes and in seeking work as a seamstress but that she is handicapped because she has no telephone.

No evidence was offered to contradict complainant's statement that since 1955 she has not engaged in any illegitimate business and that she has been attempting to earn her living in the manner indicated.

Having considered the evidence of record we find that defendant company's action was based upon reasonable cause as that term is defined in Decision No. 41415. The evidence is conclusive that complainant's telephone was used for illegal purposes. However the record also shows that complainant is now trying to direct her energy toward gainful and legitimate enterprises which also require the use of a telephone.

O R D E R

The complaint of Betty St. John against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises, and basing its decision on the evidence of record,

IT IS ORDERED that complainant's request for telephone service be granted, and that upon the filing by complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall install such telephone service at the complainant's home, 323 West 18th Street, National City, California, such installation being subject to all duly authorized rules and regulations of the telephone company and to the existing 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]  
[Signature]  
Commissioners