

ORIGINAL

Decision No. 56568

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MORRIS TRIEBER,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 5970

Mueller & McLeod, by Jesse A. Mueller,
for complainant.

Pillsbury, Madison & Sutro, John M. Sutro,
by Dudley A. Zinke, for defendant.

O P I N I O N

The record discloses that on or about August 21, 1957, defendant discontinued the telephone service furnished to complainant at 1128 Mission Street, San Francisco, under numbers HEmlock 1-7954, KLondike 2-3483 and KLondike 2-3865. Service was discontinued following receipt of a letter from the Chief of Police of San Francisco, which stated that said instruments in addition to those under numbers KLondike 2-3438 and KLondike 2-3439 were being used for the purpose of disseminating horse racing information used in connection with bookmaking in violation of Section 337(s) of the Penal Code. Thereafter, telephone service was temporarily restored to complainant upon an order of this Commission pending a formal hearing.

A public hearing was held before Examiner Thomas E. Daly at San Francisco on March 25, 1958.

Based upon the testimony of one of the arresting officers it is clear that only those facilities under numbers KLondike 2-3439 and KLondike 2-3438 were being used for the unlawful purpose alleged and said facilities were located on the mezzanine of the premises, an area which had been leased to other individuals.

After consideration, the Commission is of the opinion and so finds that the telephone facilities under numbers HEmlock 1-7954, KLondike 2-3483 and KLondike 2-3865 are not now used, nor have they been used, for illegal purposes. The Commission further finds that defendant's action in disconnecting all of the telephone facilities upon said premises 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, 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 San Francisco, California, this 22nd day of April, 1958.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners