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ORIGINAL

Decision No. 58569

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALMA SMITH, Complainant, vs. PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a Corporation db in City of Pasadena, County of Los Angeles, State of California. Defendant.	Case No. 6041

Charles R. Johnson, for complainant.

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

O P I N I O N

The complaint alleges that Alma Smith, the owner of Alma's Beauty Salon at 95 East Orange Grove Avenue, Pasadena, California, prior to the 16th day of August, 1957, was a subscriber and user of telephone service furnished by the respondent company under the number SYcamore 3-1060. On or about August 16, 1957, these telephone facilities were disconnected by officers of the Pasadena Police Department on charges of bookmaking. The complaint further alleges that on October 28, 1957, the complainant was found guilty of one count of violation of Section 337a of the Penal Code in the Superior Court of Los Angeles County, Department A, Pasadena. Subsequently, on November 20, 1957, the complainant was fined $150.00 and placed on probation for a period of three years. She had made

a demand upon the respondent telephone company to have the said telephone facilities restored, but this demand has been refused.

Under date of January 30, 1958, the respondent filed an answer alleging that the telephone facilities in question were disconnected on August 22, 1957, because the respondent company had reasonable cause to believe that the use made, or to be made, of said telephone service was prohibited by law.

A public hearing was held in Los Angeles on March 14, 1958, before Examiner Grant E. Syphers, at which time evidence was adduced and the matter submitted.

At the hearing testimony presented by the complainant confirmed the allegations set out in the complaint. Additionally, the complainant testified that she was in need of telephone service in the operation of her beauty salon, and that she had not and did not intend in the future to engage in bookmaking activities, nor to use the telephone for any unlawful purpose. She had been without telephone service since August 16, 1957.

The respondent telephone company introduced a letter, Exhibit 1, from the Chief of Police of Pasadena to the telephone company requesting disconnection of the telephone facilities in question. As a result of this letter it was the position of the telephone company that in disconnecting this telephone service it had acted upon reasonable cause and in accordance with decisions of this Commission.

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 inasmuch as she has paid the penalty for any violation of the Penal Code which she has committed and there now is no indication that she will in the future use the telephone facilities in an unlawful manner.

O R D E R

The complaint of Alma Smith 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, Alma Smith, The Pacific Telephone and Telegraph Company shall install telephone service at the premises of Alma's Beauty Salon at 95 East Orange Grove Avenue, Pasadena, 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 20th day of April, 1958.

President

Commissioners