

ORIGINAL

Decision No. 53228

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ZEZETTE COSCIA,

vs.

Case No. 6053

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a public service corporation.)

William Klein, for complainant.
Fillisbury, Madison & Sutro, by John M. Sutro,
and Dudley A. Zinke, for defendant.

O P I N I O N

A public hearing of the above matter was held before Examiner Thomas E. Daly on March 26, 1958, at San Francisco.

The record discloses that prior to January 31, 1958, defendant furnished complainant with telephone service under numbers Sutter 1-0183 and Sutter 1-0124 at her place of business, 461 Post Street, 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 facilities were being used for the unlawful purpose of bookmaking in violation of Section 337(a) of the Penal Code, in that her husband was arrested on the premises on the charge of operating as a bookmaker; that complainant's husband was usually on the premises from 8:00 a.m. to 10:00 a.m. each work day for the purpose of cleaning the store; that complainant has no knowledge of any unlawful use of said telephone facilities; and although the arresting officers were prompted by information that said telephone facilities were being used for bookmaking, no evidence was discovered during the course of the arrest, either in the form of records or telephone calls, to indicate that such was the case.

After consideration, and based upon the evidence of record, the Commission is of the opinion and so finds that the telephone facilities in question were not used for an illegal purpose. The Commission also finds that the defendant telephone company's action in disconnecting said telephone facilities was based upon reasonable cause as that term is used in Decision No. 41415.

According to complainant the discontinuance of service has reduced her volume of gift shop business by one half. Therefore, the effective date of this order shall be the date hereof.

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 be restored to complainant subject to the company's tariff rules and the applicable law.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 1st day of May, 1958.

Paul L. ... President
Mitchell
Theodore Jenner
Commissioners

Peter E. Mitchell
Commissioner
C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.