

ORIGINAL

Decision No. 55958

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mrs. Renee Stopeck,

Complainant,

vs.

The Pacific Telephone and Telegraph
Company,

Defendant.

Case No. 6095

Mrs. Renee Stopeck, in propria persona.

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

O P I N I O N

The complaint herein, filed on April 25, 1958, requests that defendant be required to restore telephone service to her residence at 118 South Valley Street, Burbank, California.

A public hearing on the complaint was held before Examiner Kent C. Rogers in Los Angeles on June 16, 1958, and the matter was submitted.

Complainant testified that she resides at 118 South Valley Street in Burbank; that prior to February 13, 1958, there was a telephone therein to which a brother-in-law was the subscriber of record but that said brother-in-law died in 1954, and that the telephone had remained in the home and she and her husband paid the telephone bills; that there was another telephone at the premises

subscribed for by the complainant's mother; that she has a daily maid, and two young children; that on February 13, 1958, she left the premises at 10 a.m. and returned at 2 p.m.; that police were there and arrested her for bookmaking and removed the telephones which have not yet been restored; that subsequently the complaint against her was dismissed; that she has never permitted the telephones to be used for any illegal purposes whatsoever; and that a telephone is a necessity inasmuch as she has a young daughter with a rheumatic heart and she must keep in touch with the doctor. Complainant requested that at least one of the telephones be restored in her name.

The record shows that the City Attorney of the City of Burbank was notified of the time and place of the hearing herein but made no appearance thereat.

Exhibit No. 1 is a letter dated February 14, 1958, from the Chief of Police of the City of Burbank advising the defendant that the telephones referred to herein, having prefixes Vi 9-2774, to which complainant's brother-in-law was the subscriber, and Vi 9-4839, to which the complainant's mother was the subscriber, both telephone numbers located at 118 South Valley Street, Burbank, were, on February 13, 1958, being used as instrumentalities to violate or to aid and abet the violation of the law of California; that the telephones had been confiscated; and requesting that they be disconnected. The defendant, acting on such information, thereafter disconnected said telephones. The position of the telephone company is that it

had acted with reasonable cause, as that term is used in Decision No. 41415, dated April 26, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), in disconnecting the telephone services inasmuch as it had received the letter designated as Exhibit No. 1.

After full consideration of the record we now find that the telephone company's action was based upon a reasonable cause as that term is used in Decision No. 41415, supra. We further find that there is no evidence that the telephones referred to herein were used for illegal purposes. Therefore, the complainant is now entitled to the restoration of such telephone services.

ORDER

The complaint of Mrs. Renee Stopeck 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 upon the evidence of record and the findings herein,

IT IS ORDERED that the complainant's request for restoration of telephone service be granted, and that upon the filing by complainant of an application for telephone service The Pacific Telephone and Telegraph Company shall restore telephone service at complainant's property at 118 South Valley Street, Burbank, California, such restoration 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 8th day of January, 1953.

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