

Decision No. 57987**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JEAN ETCHEVEST,

Complainant,

v.

Case No. 6206

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

James Murray, for complainant.
Pillsbury, Madison & Sutro, by John A. Sutro and
Dudley A. Zinke, for defendant.

O P I N I O N

A public hearing of the above matter was held on January 5 and 7, 1959, at San Francisco, before Examiner Thomas E. Daly.

The record discloses that prior to November 13, 1958, complainant was the subscriber of a semipublic coin telephone service under number Douglas 2-9706, at 354 Columbus Avenue, 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 might have been used for an unlawful purpose; that the premises in question is the De Vere Hotel, consisting of sixty-one rooms, and is operated by complainant; that said facilities are used by the guests of the hotel; that at or about 8:00 p.m. on November 1, 1958, a telephone call was placed from the Bureau of Special Services, San Francisco Hall of Justice, to Douglas 2-9706; that a male answered and was asked for an individual by the name of Lilly, a guest at the hotel; that a short time later a female answering to the name of Lilly agreed that the caller and his friends could come up to the hotel

and see her; that approximately a half hour later two police officers and a Chinese gentleman arrived at the lobby of the hotel and asked complainant for Lilly; that one of the officers registered, was shown to a room, and a short time later Lilly entered the room; that the woman was placed under arrest, subsequently pleaded guilty to the charge of prostitution, received a six months' suspended sentence and one year's probation; and that the complainant who was placed under arrest and charged with aiding and abetting is presently awaiting trial.

After consideration, the Commission is of the opinion and so finds that, although the telephone facilities in question were used for an unlawful purpose, the evidence does not show conclusively that complainant had knowledge of said facilities being so used. 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.

O R D E R

A complaint having been filed and the Commission being informed in the premises,

IT IS ORDERED that the complainant's request for restoration of telephone service be granted, and that, upon the filing by him of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's place of business at 354 Columbus Avenue, San Francisco, 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 9th day of FEBRUARY, 1959.

E. L. Fox
President
E. L. Fox
Michael J. Dwyer

Commissioners

Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.