

ORIGINAL

Decision No. 58102

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ELSIE MAGIDSON,
 Complainant,
 vs.
 THE PACIFIC TELEPHONE AND
 TELEGRAPH COMPANY, &
 corporation,
 Defendant.

Case No. 6208

Nicholas J. Barbarotto, for complainant.
Pillsbury, Madison & Sutro, John A. Sutro by
 Dudley A. Zinke, for defendant.

O P I N I O N

A public hearing of the above matter was held on
 February 17, 1959, at San Francisco, before Examiner Thomas E. Daly.

The record discloses that prior to October 31, 1957,
 complainant and her husband were subscribers and users of telephone
 services furnished by defendant under telephone number Valencia
 4-3229, at 405 Clipper Street, San Francisco, California; that on
 or about said date and as a result of a joint raid by representatives
 of the San Francisco Police Department and the United States Treasury
 Department, Internal Revenue Service, complainant's husband was
 placed under arrest for alleged bookmaking activities; that upon the
 receipt of letters from the Chief of Police of San Francisco and the
 United States Treasury Department, Internal Revenue Service, defen-
 dant discontinued complainant's telephone service; that by Decision
 No. 57722, dated December 16, 1958, the Commission ordered temporary
 restoration of service; and that complainant, who was not implicated

in any unlawful use of said telephone facilities, has separated from her husband and now resides at said premises with her eighteen-year-old daughter.

After consideration, the Commission is of the opinion and finds that the evidence does not show that complainant used the telephone facilities for an unlawful purpose. The Commission also finds that the defendant telephone company's action in discontinuing said telephone service 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 order of the Commission in Decision No. 57722, dated December 16, 1958, temporarily restoring telephone service to the complainant, be made permanent, 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 10th day of March, 1959.

E. L. Fox
President

[Signature]

[Signature]

Theodore Jenner

[Signature]
Commissioners