

Decision No. 59641

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Edward E. Covington,

Complainant,

vs.

Case No. 6359

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

Edward E. Covington, in propria persona.  
Pillsbury, Madison & Sutro, John A. Sutro,  
by Dudley A. Zinke.

O P I N I O N

A public hearing was held before Examiner Thomas E. Daly on January 12, 1960, at San Francisco. The record indicates that complainant resides at 6645 Yount Street, Yountville, California; that complainant was arrested in December, 1957, for bookmaking operations conducted at 6523 St. Helena Highway, Yountville; that he was convicted and sentenced to a state penitentiary in 1958; that while so incarcerated his wife passed away and the telephone service in her name at the Yount Street address was discontinued at his request; that upon his release in 1959, an application for service in his own name at the Yount Street address was refused by respondent because of a letter from the Napa County Sheriff, who was of the opinion that complainant would again engage in bookmaking activities; that complainant filed his complaint on September 29, 1959, alleging that he has two minor children whose safety, health, comfort and convenience require the availability of telephone service; that by Decision No. 59166 dated October 20, 1959, telephone service was restored pending a determination in this proceeding.

After consideration, the Commission is of the opinion and so finds that the telephone facilities at 6645 Yount Street, Yountville, California, were not used for an unlawful purpose, nor is there any evidence to indicate that they would be so used in the future. The Commission also finds that the defendant telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415.

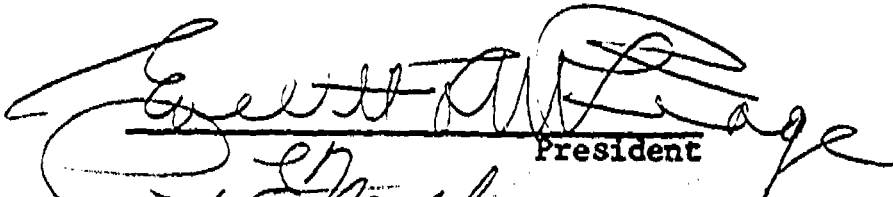
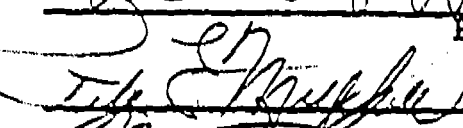

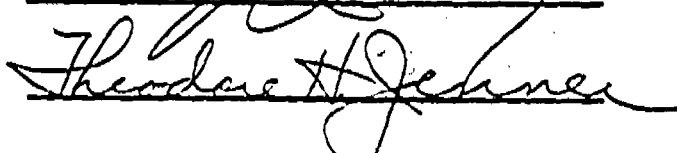
O R D E R

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

IT IS ORDERED that the restoration of service as provided for by Decision No. 59166 dated October 20, 1959, is hereby made permanent.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of February, 1960.

  
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President  
  
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Commissioners

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