

ORIGINAL

Decision No. 61447

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN KAMPOURIS,

Complainant,

vs.

Case No. 6991

THE PACIFIC TELEPHONE &  
TELEGRAPH CO.,

Defendant.

John Kampouris, in propria persona, and  
Patrick J. Bourke, for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.  
Roger Arnebergh, City Attorney, by Bernard Batrusky,  
Deputy City Attorney, intervener.

ORDER OF DISMISSAL

By the complaint herein, filed on October 7, 1960, John Kampouris requests an order of this Commission that the defendant, The Pacific Telephone & Telegraph Co., a corporation, be required to reinstall a public pay telephone and booth, or private telephone service, at his place of business, a restaurant, located at 1051 West Sixth Street, Los Angeles, California.

On October 24, 1960, the telephone company filed an answer, the principal allegation of which was that on September 1, 1960, it had reasonable cause to believe that the

use made or to be made of said telephone service was prohibited by law, and that said service was being used or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the violation of the law, and that defendant, having reasonable cause, was required to and did on or about September 16, 1960, pursuant to the order of the Public Utilities Commission of the State of California, dated April 6, 1948, Decision No. 41415, disconnect and discontinue said service.

A public hearing was held in Los Angeles on December 12, 1960, before Examiner Robert D. DeWolf.

At the time and place of the hearing the attorney for the defendant telephone company moved to dismiss the complaint on the ground that the complaint fails to state a cause of action against the defendant, in that complainant is not alleged to be a subscriber for telephone service and does not allege that he has been denied private telephone service, and that the Commission has no jurisdiction to order the defendant to install a public pay station at the request of the complainant.

Complainant and defendant argued the motion to dismiss, and defendant offered to accept an application for installation of private telephone service upon dismissal of the complaint, upon which complainant made no objection to dismissal of the complaint. Intervener made no argument against said motion.

Therefore, IT IS HEREBY ORDERED that the complaint of applicant John Kampouris, Case No. 6991, is dismissed without prejudice.

Dated at San Francisco, California, this 7th day of FEBRUARY, 1961.

[Signature]  
 President

[Signature]

[Signature]

George J. Brown

Frederick B. Hildehoff  
 Commissioners