

Decision No. 61489**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DICK HAMILTON, doing business as
TALLY HO,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 6997

Dick Hamilton, in propria persona.
Phillisbury, Madison & Sutro, by Alexander Imlay,
for defendant.

O P I N I O N

A public hearing of the above matter was held in San Francisco before Examiner Thomas E. Daly on January 12, 1961, and the matter was submitted.

The record indicates the following: that complainant owns and operates a bar called the Tally Ho, located at 907 Irving Street, San Francisco; that prior to June 16, 1960 he was a subscriber and user of telephone service under number Lombard 4-5765 at said address; that on or about June 16, 1960, without complainant's knowledge a customer used an extension phone located at the end of the bar to receive and record a bet; that the customer was placed under arrest and charged with and convicted of violation of Section 337a of the Penal Code; that pursuant to a letter from the Chief of Police of San Francisco, dated June 16, 1960, defendant discontinued complainant's telephone service; that on October 25, 1960, by Decision No. 60968, the Commission ordered temporary

restoration of complainant's telephone service pending public hearing of his complaint.

After consideration, the Commission finds and concludes that although the telephone in question was used for an unlawful purpose it was done without complainant's knowledge. The Commission further finds that defendant herein acted upon reasonable cause in discontinuing complainant's telephone service.

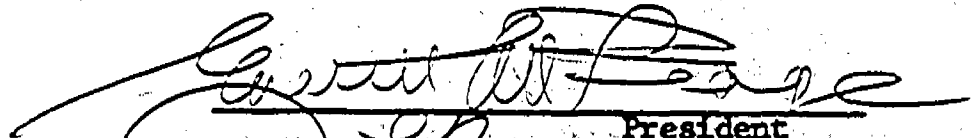
O R D E R


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


IT IS ORDERED that the Commission's order granting interim relief in Decision No. 60968 is hereby made permanent.

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

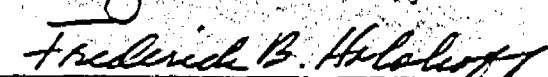
Dated at San Francisco, California, this 14th day of FEBRUARY, 1961.



President




George H. Grover



Commissioners