

Decision No. 61611

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

NETTIE B. HARRIS,)
 Complainant,)
 vs.)
 THE PACIFIC TELEPHONE AND TELEGRAPH)
 COMPANY, a corporation,)
 Defendant.)

Case No. 7033

Nettie B. Harris, in propria persona.

Pillsbury, Madison & Sutro, John A.
Sutro by Dudley A. Zinke for The
Pacific Telephone & Telegraph Company.

O P I N I O N

A public hearing on the above matter was held before Examiner Thomas E. Daly on February 3, 1961.

The record indicates the following: That applicant has residence and operates a beauty shop at 985 Apgar Street, Oakland 8, California; that prior to June 30, 1960 complainant was a subscriber and user of telephone service under number Olympic 8-0407; that on or about that time complainant's telephone facilities were removed by members of the Oakland Police Department; that complainant was placed under arrest and charged with bookmaking; that pursuant to a letter from the Chief of Police of Oakland dated July 11, 1960, which stated that the telephone facilities in question had been used for an illegal purpose, defendant refused to restore service; that complainant admitted that said telephone facilities were used for the purpose of bookmaking; that said facilities will assertedly never be used by complainant, or anyone acting with her permission, for an illegal purpose and that the telephone facilities in question are necessary

in the conduct of her business and for the purpose of contacting her doctor, who is presently treating her for a diabetic condition.

After consideration the Commission finds and concludes that the evidence indicates that the telephone facilities in question were used for an unlawful purpose. 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 thirty days after the date hereof upon application by complainant, The Pacific Telephone and Telegraph Company shall install service subject to all duly authorized rules and regulations of the telephone company and to the existing applicable laws.

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

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

 President

 George J. Crover

 Frederick B. Holbert

 Commissioners

Everett C. McKeage
 Commissioners Peter E. Mitchell, being
 necessarily absent, did not participate
 in the disposition of this proceeding.