

Decision No. 61810

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DEWITT EATON,

Complainant,

vs,

Case No. 7030

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Joseph T. Forno for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh and Bernard Patrusky, for the
Police Department of the City of Los Angeles,
intervener.

OPINION AND ORDER

By the complaint herein, filed on December 2, 1960, Dewitt Eaton requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall a coin box telephone plus two extensions under number Pleasant 3-9218 at 1410 W. 54th Street, Los Angeles, California.

By Decision No. 61212, dated December 20, 1960, in Case No. 7030, the Commission ordered that the defendant restore telephone service to the complainant pending a hearing on the matter.

On January 3, 1961, the telephone company filed an answer, the principal allegation of which was that on December 27, 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. That by reason of the order dated December 20, 1960, granting temporary interim relief herein, the defendant did not disconnect and discontinue said service.

A public hearing on the complaint was held in Los Angeles on February 2, 1961, before Examiner Robert D. DeWolf, and adjourned to February 10, 1961, and on said date adjourned to and submitted on February 17, 1961.

The attorney for the complainant moved to dismiss the complaint on the ground that, at the time of filing of the complaint, the phone service was not disconnected. The attorney for the complainant stated that he had been incorrectly informed as to the state of the facts and apologized for incorrectly filing the complaint.

Therefore, IT IS ORDERED that the complaint of applicant Dewitt Eaton, Case No. 7030, is dismissed without prejudice.

Dated at San Francisco, California, this 11th day of APRIL, 1961.

Charles R. [Signature]
President
[Signature]
[Signature]
George H. [Signature]
Fredrick B. [Signature]
Commissioners