

**ORIGINAL**

Decision No. 61994

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Howard Watkins,

Complainant,

vs.

Case No. 7087

The Pacific Telephone and Telegraph  
Company, a corporation,

Defendant.

Sol A. Abrams, for complainant  
Dudley A. Zinke, for defendant  
James M. Mullins, for San Francisco Police  
Department

O P I N I O N

A public hearing on the above matter was held before Examiner Thomas E. Daly on May 5, 1961, at San Francisco.

On the basis of the record herein, the Commission hereby finds as follows: That complainant resides at 128 Balboa Street, San Francisco, California; that prior to January 7, 1961, complainant enjoyed the use of telephone service under number Evergreen 6-3385; that said telephone facilities were listed in the name of Mabel M. Watkins, the deceased wife of complainant; that on or about January 7, 1961, defendant discontinued said telephone service pursuant to a letter from the Chief of Police of San Francisco, which stated that complainant was using said telephone facilities in violation of Section 337(a) of the Penal Code; that on or about that date a San Francisco police officer possessing a search warrant entered complainant's premises and found thereon betting paraphernalia; that during the time he was on the premises he answered three telephone

calls from persons wishing to place bets; and that complainant has suffered a cerebral hemorrhage and is presently being treated for hypertension as well as a complicated cardiorenal disease.

After consideration the Commission finds and concludes 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.

ORDER

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

IT IS ORDERED that ten days after the effective date hereof and upon application by complainant, The Pacific Telephone and Telegraph Company shall install telephone service for complainant subject to all duly authorized rules and regulations of the telephone company and to existing applicable law.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of MAY, 1961.

Ernest W. Page  
President

W. J. [unclear]

E. J. Fox

George G. Fowler

Fredrick B. Holbrook  
Commissioner