

**ORIGINAL**Decision No. 62279

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Felix Abaigar,

Complainant,

vs.

Case No. 7120

Pacific Telephone and Telegraph  
Company, a corporation,

Defendant.

Sol A. Abrams, for complainant.  
Dudley A. Zinke, for defendant.O P I N I O N

A public hearing was held before Examiner Thomas E. Daly on June 16, 1961, at San Francisco, and the matter was submitted.

The record indicates that complainant, Felix Abaigar, owns and operates a bar known as Felix's Club 49, located at 1201 Stockton Street, San Francisco; that, in addition to complainant, his wife and daughter-in-law tend bar; that prior to April 3, 1961, there were two telephones on the premises, one a private phone under number DOuglas 2-0830 was kept behind the bar, the other was a public telephone; that on April 3, 1961, a police officer having obtained a piece of paper containing the telephone number "DO 2-0830" and the name "Paulette" thereon called said number; that a female voice answered the telephone and stated that it was "Felix's Club 49"; that the officer asked for Paulette; that shortly thereafter another female voice answering to the name of "Paulette" made an appointment with the officer for the purpose of committing an act of prostitution; that subsequent thereto and pursuant to a letter from the Chief of

Police of San Francisco dated April 17, 1961, defendant discontinued complainant's private telephone service; that complainant had no knowledge of the telephone call in question; that he had no knowledge of the person referred to as "Paulette"; and that although incoming calls for patrons were occasionally accepted as an accommodation, said phone was otherwise used for family and business purposes.

After consideration, the Commission finds and concludes that although the telephone facilities in question were used for an unlawful purpose they were so used without complainant's knowledge and consent. The Commission further finds and concludes that defendant herein acted upon reasonable cause in disconnecting said telephone facilities.

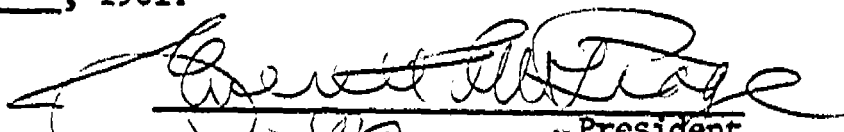

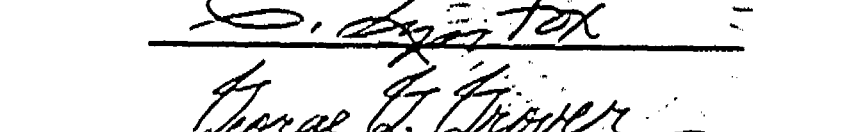
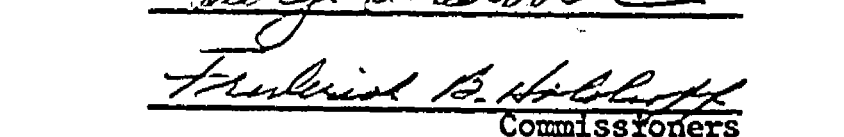
O R D E R

Application having been filed and the Commission being advised in the premises,

IT IS ORDERED that 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 the date hereof.

Dated at San Francisco, California, this 18th  
day of July, 1961.

  
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President  
  
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Commissioner  
  
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Commissioner  
  
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Commissioners