

Decision No. 62445**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARGARITO CORIA, THERESA CORIA,
aka THERESA MOERLIEN,

Complainants,

vs.

Case No. 7131

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

John E. Alaimo, for complainants.Dudley Zinke, for defendant.Thomas Horan, for the San Francisco
Police Department.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 on or about January 8, 1961, Margarito Coria, a Marine engineer, and Theresa Coria, his wife, resided at 348 Sanchez Street, San Francisco; that complainants were subscribers and users of telephone service furnished by defendant; that on or about January 19, 1961, the telephone facilities of complainants were disconnected by defendant pursuant to a letter from the San Francisco Police Department, dated January 9, 1961, purporting to be based upon probable cause for the belief that said telephone facilities were being used for an unlawful purpose; that on June 1, 1961, complainants filed their complaint requesting restoration of service; that following an amendment to the complaint the Commission, on June 13, 1961, issued its order granting interim relief in the form of temporary restoration of service pending

formal hearing; that said service was discontinued because of a telephone call made at approximately 8 p.m. on or about January 8, 1961, by a San Francisco police officer to Mrs. Coria; that the officer introduced himself as a friend of a friend of Mrs. Coria and as a result was invited to the Sanchez Street address; that upon his arrival he was greeted by Mrs. Coria, also present were Mrs. Coria's son, daughter and granddaughter; that the officer was invited to a rumpus room and for a period of two hours he was served drinks and danced with Mrs. Coria; that according to the officer, and as denied by Mrs. Coria, there then ensued a conversation whereby Mrs. Coria agreed to commit an act of prostitution at a local motel; that the officer then identified himself and placed Mrs. Coria under arrest; that Mrs. Coria stood trial in the Municipal Court in and for the City and County of San Francisco for alleged violation of Section 248 of the Municipal Police Code and Section 647 of the Penal Code of the State of California and that on or about January 11, 1961, said charges were dismissed.

After consideration, the Commission finds and concludes that there is no evidence that the telephone facilities in question were used for an unlawful purpose. The Commission further finds and concludes that defendant herein acted upon reasonable cause in disconnecting said telephone facilities.

O R D E R

Complaint having been filed and the Commission being informed in the premises,

IT IS HEREBY ORDERED that the Commission's order granting interim relief in Decision No. 62124 is hereby made permanent.

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

Dated at San Francisco, California, this 22nd day of August, 1961.

Wesley B. Page
President

John E. Lattin

D. Lynn Fox

George L. Grover

Fredrick B. Holdsworth
Commissioners