

66004

ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MILONAS AND SONS, INC., a corporation,

Complainant,

vs.

Case No. 7581

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation,

Defendant.

Mack and James by Robert H. James,  
for complainant.  
James F. Kirkham, for defendant.

O P I N I O N

A public hearing on the above matter was held before Examiner Daly, on August 2, 1963, at San Francisco.

The record discloses the following:

Complainant, Milonas and Sons, Inc., a corporation, operates the Plantation Motel at 3100 Webster Street, San Francisco, California; prior to May 13, 1961, complainant was a subscriber and user of service furnished by defendant under the number WEst 1-9838 at said address; located upon said premises is a cocktail lounge known as the Surrey Room; on May 13, 1961, an employee in the Surrey Room was arrested on charges of violating Section 647E of the California Penal Code; pursuant to a letter dated May 13, 1963, from the Chief of Police of San Francisco, the telephone facilities in question were removed from the premises by defendant; complainant had no knowledge that its employee, who has since been discharged,

was using said telephone facilities for an illegal purpose; continuous telephone service is necessary to the operation of complainant's business; and by Decision No. 65152 the Commission issued an interim order restoring service.

After consideration, the Commission finds that:

1. The telephone facilities in question, if used for an unlawful purpose, were so used without complainant's knowledge or consent.

2. Defendant herein acted upon reasonable cause in removing complainant's telephone service and in refusing to restore said service.

The Commission concludes therefore that complainant is entitled to restoration of telephone service.

O R D E R

IT IS ORDERED that Decision No. 65152 temporarily restoring service to complainant is made permanent subject to defendant's tariff provisions and existing applicable law.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of SEPTEMBER, 1963.

*William B. Brundage*  
President

*George L. Hoover*  
*Fredrick B. Hallock*  
Commissioners