

ORIGINAL

Decision No. 49668

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GEORGE O. COOK

Complainant,

vs.

Case No. 5505

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

George O. Cook, in propria persona. Pillsbury,
Madison & Sutro, by John A. Sutro, and Lawler, Felix
& Hall, by L. B. Conant, for defendant.

O P I N I O N

The complaint alleges that George O. Cook, prior to June 4, 1953, was a subscriber and user of telephone service furnished by defendant company under the number NEvada 6-2853 at 2890 Norton Avenue, Lynwood, California. On or about June 4, 1953 these telephone facilities were disconnected by representatives of the Los Angeles County Sheriff's Office on charges of bookmaking. The complaint further alleges that complainant has made a demand upon the defendant company to have the said telephone facilities restored and that the defendant telephone company has refused such demand. Under date of December 8, 1953 the defendant filed an answer, the principal allegations of which were that the defendant telephone company had reasonable cause to believe that the use

made or to be made of the telephone service furnished to complainant under number NEvada 6-2853 at 2890 Norton Avenue, Lynwood, California was being or was to be used as an instrumentality directly or indirectly to violate, or to aid and abet the violation of the law and that having such reasonable cause, defendant was required to disconnect the service pursuant to Decision No. 41115, dated April 6, 1948, in Case No. 4930. (47 Cal. P.U.C. 853).

Public hearing was held in Los Angeles on January 18, 1954, before Examiner Syphers, at which time evidence was adduced and the matter submitted.

At the hearing the complainant testified that he had been arrested on or about June 4, 1953 at his place of business for bookmaking and that subsequently thereto he pled guilty, was convicted, paid a fine, and placed on one year's probation. He further testified that he now has need of telephone facilities inasmuch as he is in the wholesale oil business and needs a telephone in the conduct of that enterprise.

Exhibit No. 1 is a copy of a letter dated June 3, 1953 from the Sheriff of Los Angeles County to the telephone company requesting that telephone service under number NEvada 6-2853 be disconnected. The position of the telephone company was that it had acted with reasonable cause in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

After a consideration of this record we now find that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41115, supra. We further

find that the telephone facilities here in question were used as an instrumentality to aid and abet the violation of the law. Inasmuch as the complainant has paid his penalty for any violation of the Penal Code which he committed and there is now no indication that he will in the future use the telephone facilities in an unlawful manner, we also find that complainant is entitled to telephone service on the same basis as any other similar subscriber.

O R D E R

The complaint of George O. Cook against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the matter now being ready for decision and the Commission being fully advised in the premises and basing its decision upon the evidence of record and the findings herein,

IT IS ORDERED that The Pacific Telephone and Telegraph Company consider an application for telephone service from the complainant herein on the same basis as the application of any new subscriber.

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

Dated at San Francisco, California, this 16th day of February, 1954.

R. Z. Johnson
President
James J. Crocker
Benjamin P. Pottel
John E. [unclear]
James [unclear]
Commissioners