

does not intend to use said telephone facilities as an instrumentality to violate the law or in aiding or abetting such violation.

On April 12, 1955, by Decision No. 51310 in Case No. 5637, this Commission issued an order directing the telephone company to restore service to complainant pending a hearing of the matter.

On April 21, 1955, the telephone company filed an answer, the principal allegation of which was that the telephone company pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), had reasonable cause to believe that the telephone service furnished to complainant under the number DUnkirk 2-9590 at 553 South Vermont Avenue, Los Angeles, 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.

A public hearing was held in Los Angeles before Examiner Kent C. Rogers on May 13, 1955, and the matter was submitted.

The complainant testified that his cocktail bar and restaurant, known as the Idle Hour Cocktail Bar, is located at 553 South Vermont Avenue, Los Angeles; that it has a counter and booths in front and a kitchen in back; that there was a pay telephone booth in the rear of the restaurant; that on the day of the Santa Anita Futurity race the police walked in and arrested a customer; that the police asked if he knew the man was suspected of bookmaking and he said he did not; that the man arrested had

been a frequent customer; that three or four days later the telephone was removed; that he permits no bookmaking on his premises; and that the telephone was about the only public telephone in the vicinity and he needs it for his business.

A police officer of the City of Los Angeles testified that he and two other officers went to complainant's place of business at 553 South Vermont Avenue at 12:50 p.m. on February 19, 1955; that they went to the rear portion of the bar where a Paul Sakelaris was sitting; that he took from the front portion of the bar near where Paul Sakelaris was sitting, a place not visible to complainant and 20 feet from him, a National Daily Reporter scratch sheet for that date, and a betting marker indicating a wager on a horse running at Santa Anita on that date; that Sakelaris stated he was looking for work and would not state whether or not he wrote the bet; that Sakelaris was taken to jail and booked for bookmaking, the complaint being subsequently dismissed; that there had been no formal complaints about complainant herein; that while he was in the place the telephone rang, he answered, and a woman gave him a bet on a horse race; that he asked complainant if he knew Sakelaris was making bets in his place, and the complainant said he did not.

Exhibit No. 1 is a letter from the Chief of Police of the City of Los Angeles received by the defendant telephone company on February 25, 1955, advising the defendant that the telephone facilities were being used for receiving and forwarding bets. The telephone company's representative testified that as a result of the receipt of this letter the telephone services were disconnected on March 2, 1955. The position of the telephone company

was that, as a result of the receipt of this letter, it acted with reasonable cause as that term is defined in Decision No. 41415, supra, in disconnecting and refusing to reconnect the service until ordered to do so by this Commission.

In the light of the record we find that the action of the telephone company was based upon reasonable cause, as such term is used in Decision No. 41415, supra. We further find that there is no evidence to indicate that the complainant herein engaged in or was directly connected with bookmaking activities. Therefore, the complainant is now entitled to a restoration of telephone service.

O R D E R

The complaint of Frank E. Blazina against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision on the evidence of record and the findings herein,

IT IS ORDERED that the order of the Commission in Decision No. 51310, dated April 12, 1955, temporarily restoring telephone service to complainant, be made permanent,

such restoration being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

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

Dated at San Francisco, California, this 9th day of June, 1955.

Peter E. Mitchell
President
Paul J. ...
Martin ...

Commissioners

Justus F. Craemer
Commissioner Rex Hardy
..... being necessarily absent, did not participate in the disposition of this proceeding.