

ORIGINAL

Decision No. 53561

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GENE GRIFFIN, doing business as
HICKORY HOP RESTAURANT,

Complainant,

vs.

Case No. 5777

GENERAL TELEPHONE COMPANY OF
CALIFORNIA, a corporation,

Defendant.

James A. McKechnie, attorney, for complainant.

Marshall K. Taylor & Albert M. Hart, attorneys,
by Albert M. Hart, for defendant.

O P I N I O N

The complaint, filed on May 28, 1956, alleges that Gene Griffin, doing business as Hickory Hop Restaurant at 9342 East Whittier Boulevard, Pico, California, has been engaged in a restaurant business at that address for seven years; that there was a telephone on the premises under the number of OXford 5-6111; that on or about May 4, 1956, the Sheriff's Vice Squad removed the telephone facilities for alleged acts of bookmaking of one of the cooks; that the defendant has refused to reinstate telephone service although complainant has requested the same; that the complainant is without knowledge as to whether an act of bookmaking was carried on over said telephone facility; that if said activity was carried on it was carried on without complainant's knowledge

or consent; and that refusal of defendant to reinstate said service has resulted in great financial loss to complainant's business. Complainant requests that telephone service be reinstated.

On June 12, 1956, by Decision No. 53200 in Case No. 5777, this Commission issued an order granting temporary interim relief, directing the telephone company to restore telephone service pending a hearing on the matter.

On June 21, 1956, the telephone company filed an answer, the principal allegation of which was that the telephone company was in receipt of a letter dated May 4, 1956, from the Office of the Sheriff of Los Angeles County requesting that the telephone service at complainant's place of business at 9342 East Whittier Boulevard, Whittier (sic), California, be disconnected pursuant to the Public Utilities Commission's Decision No. 41415 (47 Cal. P.U.C. 853).

A public hearing was held in Los Angeles on July 10, 1956, before Examiner Kent C. Rogers.

The complainant, Gene Griffin, testified that he has a restaurant at 9342 East Whittier Boulevard, Pico, California, known as the Hickory Hop Restaurant; that he had a telephone therein under the number of OXford 5-6111; that on May 4, 1956, police officers removed the telephone; that the telephone in question was in the kitchen of the complainant's restaurant and that when the telephone was removed the witness was in the stockroom and one of his cooks was using the telephone; that prior to the removal of the telephone the complainant had not allowed the telephone to be used for illegal purposes and had no knowledge of any illegal use of the

telephone; that he asked for reinstallation of the telephone; and that he needs the telephone in his business. The witness further testified that the telephone was in the kitchen on the premises and was not available to the general public.

A deputy sheriff attached to the Vice Detail of the Sheriff's office of Los Angeles County testified that he and some other deputies came to the complainant's premises on May 4, 1956; that prior to coming to the restaurant one of the other deputies had gone to a public telephone outside of the premises and placed a call to complainant's premises and was making bets over the telephone with complainant's cook; that while such call was being made the witness and other officers entered the premises and arrested the cook; that the officer who called from the outside telephone placed numerous bets with the cook on horses running at Tanforan that day; that the witness and the other officers entered the premises and arrested the cook while the officer was still placing his bets from the outside telephone with the cook; that the officers took the telephone and betting markers from the cook's possession; that the betting markers covered bets made that day including the bets made by the officer; that the cook also had a daily racing form in his possession. The officer further testified that the cook was booked on a charge of bookmaking and he subsequently pleaded guilty to that charge.

The complainant's attorney stipulated that Exhibits "A" and "B" attached to the answer of the telephone company may be received in evidence. Exhibit "A" attached to the answer is a letter from the Los Angeles County Sheriff's office to the telephone company requesting that the complainant's telephone under number

OXford 5-6111 be disconnected. The position of the telephone company was that it had acted with reasonable cause as that term is defined in Decision No. 41415, referred to supra, in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit "A".

After consideration of this record we now find that the telephone company's action was based on reasonable cause as such term is used in Decision No. 41415, referred to supra. We further find that the telephone facilities in question were used for book-making purposes.

O R D E R

The complaint of Gene Griffin, doing business as Hickory Hop Restaurant, against the General Telephone Company of California having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record and the above findings,

IT IS ORDERED that complainant's request for restoration of telephone service be denied and that said complaint be and it is hereby dismissed. The temporary interim relief granted by Decision No. 53200 in Case No. 5777 is hereby set aside and vacated.

IT IS FURTHER ORDERED that upon the expiration of thirty days after the effective date of this order the complainant herein may file an application for telephone service and if such filing is made, the General Telephone Company of California shall install telephone service at complainant's place of business at 9342 East

Whittier Boulevard, Pico, California, such installation being subject to all duly authorized rules and regulations of the telephone company and other existing applicable law.

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

Dated at San Francisco, California;
this 7th day of August, 1956.

John E. Doherty
President
Justin J. Collins
Walter D. ...
R. ...

Commissioners

Commissioner Ray E. Untereiner being necessarily absent, did not participate in the disposition of this proceeding.