

ORIGINAL

Decision No. 53944

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ralph England )  
 )  
 ) COMPLAINTANT, )  
 )  
 ) vs. )  
 )  
 ) The Pacific Telephone and Telegraph )  
 ) Company, a corporation, )  
 )  
 ) Defendant. )

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Case No. 5796

Ralph Englund, in propria persona.

Pillsbury, Madison and Sutro and Lawler,  
Felix and Hall, by L. B. Conant for  
defendant.

O P I N I O N

The complaint filed on July 9, 1956, alleges that  
 Ralph England <sup>1/</sup> of 8663 So. Broadway, Los Angeles, California,  
 prior to June 14, 1956, was a subscriber and user of telephone  
 service furnished by defendant under number Pleasant 9-6619 at  
 8663 South Broadway, Los Angeles, California; that on or about  
 June 14, 1956, the telephone facilities of complainant were  
 discontinued by disconnected terminals and were disconnected at  
 the time of the filing of this complaint; that complainant has  
 made demands upon defendant to have the said telephone facilities

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<sup>1/</sup> The complaint is signed "Ralph Englund".  
 The telephone company's records reflect that  
 "Ralph Englund" is the subscriber.

restored but defendant has refused to do so; that complainant has suffered and will suffer irreparable injury to his reputation and great hardship as a result of being deprived of said telephone facilities; and that complainant did not use and does not intend to use said telephone facilities as an instrumentality to violate the law nor to aid or abet such violation.

On July 16, 1956 by Decision No. 53441, in Case No. 5796, this Commission issued an order directing the telephone company to restore service to complainant pending a hearing on the matter.

On July 24, 1956, the telephone company filed an answer the principal allegation of which was that, pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), defendant on or about June 19, 1956, had reasonable cause to believe that the telephone service furnished by defendant under number Pleasant 9-6619 at 8663 South Broadway, 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 September 19, 1956, and the matter was submitted.

The complainant testified that he has a bakery and coffee shop at 8663 South Broadway, Los Angeles, California; that from April 1941 to June 15, 1956, he had a telephone on

the premises; that on or about June 15, 1956, he was in the rear of the premises and two officers walked in and told him he had allowed a bookmaker to hang around; that the telephone rang and the officer answered and said he took a bet over the telephone; that the complainant was arrested and booked on suspicion of bookmaking but released the same day and no charges were ever filed against him; and that the telephone was removed at the time of the arrest but was subsequently reinstalled.

Exhibit No. 1 is a copy of a letter from the Police Department of the City of Los Angeles requesting that the defendant discontinue telephone service under number Pleasant 9-6619 because of illegal use thereof by the complainant. A telephone company employee testified that Exhibit No. 1 was received by the telephone company on June 19, 1956, and that pursuant to the request the telephone service of complainant was disconnected. It has since been reconnected, she said.

After 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, referred to supra. We further find that there is no evidence that complainant was engaged in, was directly connected with, or permitted the telephone facilities to be used for bookmaking activities. Therefore, the complainant is now entitled to restoration of telephone service.

O R D E R

The complaint of Ralph Englund 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 upon the evidence of record and the findings herein,

IT IS ORDERED that the order of the Commission in Decision No. 53441, dated July 16, 1956, 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 16<sup>th</sup> day of October, 1956.

John E. Mendenhall President  
Justus F. Gaeumer  
Ralph L. Esterline  
William K. Doble  
W. H. Harty