

ORIGINAL

Decision No. 56098

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEE LE BEAU, doing business as
 American Photo Studio,

 Petitioner,

 vs.

 PACIFIC TELEPHONE AND TELEGRAPH
 COMPANY, a corporation,

 Respondent.

Case No. 6004

Mentalica, Barclay & Teegarden, by Lewis C. Teegarden,
for complainant.

Lawler, Felix & Hall, by Gene Otsea, for defendant.

Roger Annebergh, City Attorney, by Patrick Coleman,
Deputy City Attorney, for the Los Angeles Police
Department, intervener.

O P I N I O N

By the complaint herein, filed on November 5, 1957,
 petitioner Lee Le Beau alleges that he is a subscriber for telephone
 service furnished by the respondent at 5651 Melrose Avenue, Los
 Angeles, California, under telephone numbers HOLLYWOOD 4-9728 and
 HOLLYWOOD 5-9765; that on or about November 1, 1957, petitioner
 was advised by respondent that respondent had received information
 from the Vice Squad of the Los Angeles Police Department that said
 telephones were being used to violate the laws of the State of
 California; that thereafter telephones were and still are discon-
 nected and that petitioner, if such service remains disconnected,

will suffer irreparable injury, humiliation and embarrassment and will be unable to conduct his legitimate business at the above address.

On November 22, 1957, 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), on or about October 30, 1947, had reasonable cause to believe that the telephone service furnished to petitioner under numbers HOLLYWOOD 5-9765 and HOLLYWOOD 4-9728 at 5651 Melrose Avenue, Los Angeles, 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 pursuant to said decision of the Commission, respondent disconnected and discontinued such services.

A public hearing was held in Los Angeles before Examiner Kent C. Rogers on December 13, 1957.

The petitioner testified that until October 11, 1957, he was a subscriber to said telephone numbers at said address and that on that date the telephones were taken out without his permission and have not been restored; that he has not used nor permitted said telephones to be used for illegal purposes; and that he needs said telephones in his business.

Exhibits Nos. 1 and 2 are letters dated October 28, 1957, from the Office of the Chief of Police of the City of Los Angeles to the respondent telephone company advising the respondent that petitioner's telephones under telephone number HOLLYWOOD 5-9765 (Exhibit No. 1) and telephone number HOLLYWOOD 4-9728 (Exhibit No. 2) were, on October 28, 1957, being used for illegal purposes,

to wit: to make and distribute lewd movies; advising that the tele-
phones had been removed; and requesting that the telephones be
disconnected by the respondent. A representative of the telephone
company testified that these letters were received by the telephone
company on November 1, 1957, and that, pursuant thereto, service by
both telephones was disconnected on November 8, 1957. The position
of the telephone company was that it had acted with reasonable cause
as that term is used in Decision No. 41415, referred to supra, in
disconnecting the telephone services inasmuch as it had received the
letters designated as Exhibits Nos. 1 and 2. While law enforcement
officers were present at the hearing, they offered no evidence to
show unlawful telephone use by petitioner. ✓

After full 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. 41415, referred to supra. We further
find that there is no evidence that petitioner was engaged in, was
directly connected with, or permitted the telephone facilities to be
used for illegal purposes. Therefore, the petitioner is now entitled
to restoration of telephone service.

O R D E R

The complaint of Lee Le Beau, doing business as American
Photo Studio, 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 petitioner's request for restora-
tion of telephone service be granted and that, upon the filing by
petitioner of applications, or an application, for telephone

service, The Pacific Telephone and Telegraph Company shall restore telephone service at the petitioner's premises at 5651 Melrose Avenue, Los Angeles, California, such restoration being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable laws.

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

Dated at San Francisco, California,
this 14th day of January, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners