

ORIGINAL

Decision No. 57009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT L. HOWELL,

Complainant,

Case No. 6106

vs.

THE PACIFIC TELEPHONE &
TELEGRAPH CO., a corporation,

Defendant.

Robert L. Howell, in propria persona.
Lawler, Felix and Hall, by Thomas E. Workman, Jr.,
for the defendant.
T.C. Smith, Deputy County Counsel for Sheriff's
Department, Los Angeles County, intervener.

O P I N I O N

In the complaint herein, filed on May 16, 1958, it is alleged that complainant Robert L. Howell resides at 3718 West 187th Street, Torrance, California; that the defendant refuses to furnish complainant telephone service at said address; that on January 12, 1956, the premises were rented to a tenant who was arrested on charges of suspicion of bookmaking; that the telephones were removed at that time; and that the complainant at no time had been connected with any bookmaking activities and had no knowledge that the premises were being so used. The complainant requests telephone service for his personal use and convenience.

On June 2, 1958, 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 January 9, 1956, had reasonable cause to believe that the telephone service furnished to complainant under telephone numbers DAVIS 3-0267 and DAVIS 4-3812 at 3718 West 187th Street, Torrance, 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 it was required to disconnect the telephone service.

A public hearing was held in Los Angeles on June 27, 1958, before Examiner Kent C. Rogers.

Complainant testified that the above address is his home at which he resides with his wife; that a lady named Joan Yarbrough was, on or about January 12, 1956, permitted to use the telephone during the daytime; that on or about January 12, 1956, he returned from work and found the telephones removed; that his wife informed him that Joan Yarbrough had been arrested and the telephones removed; that he needs the telephone in his business and for personal use; that he had not permitted and will not permit the telephone to be used for any illegal purposes.

Exhibit No. 1 is a letter dated January 6, 1956, from the office of the Sheriff of Los Angeles County to the defendant advising defendant that both of the above-referred to telephones

located at 3718 West 187th Street, Torrance, California, were on January 5, 1956, being used as instrumentalities to violate or to aid and abet the violation of the law of California, had been confiscated and requesting that the telephones be disconnected. Exhibit No. 1 was received on January 18, 1956, and the telephones were disconnected shortly thereafter and had not been reconnected at the date of the hearing. The position of the telephone company was that it had acted with reasonable cause, as that term is used in Decision No. 41415, supra, in disconnecting service, inasmuch as it had received the letter designated as Exhibit No. 1.

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, supra. We further find that there is no evidence that the complainant was engaged in, was directly connected with, or knowingly permitted the telephone facilities to be used for illegal activities. Therefore, the complainant is entitled to restoration of telephone service. ✓
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O R D E R

The complaint of Robert L. Howell against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully informed in the premises and basing its decision upon the evidence of record and the findings herein,

IT IS ORDERED that complainant's request for restoration of telephone service be granted, and that upon the filing by complainant of an application for telephone service The Pacific Telephone and Telegraph Company shall restore telephone service to complainant's property at 3718 West 187th Street, Torrance, California, 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 from the date hereof.

Dated at San Francisco, California, this 22nd day of July, 1958.

E. J. Fox
President
Robert E. Mitchell
Paul W. Walschner
Theodore J. ...
Commissioners.

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.