

Decision No. 58288

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CYRIL MEYERS,

Complainant,

vs.

Case No. 6221

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Joseph Forno, by Herbert S. Adair, Jr., for
complainant.

Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for the defendant.

Roger Arnebergh, city attorney, by Ronald Dwyer,
deputy city attorney, for the Los Angeles
Police Department, intervenor.

O P I N I O N

A public hearing was held in this matter on March
19, 1959, before Examiner Grant E. Syphers, at which time evidence
was adduced and the matter submitted.

Cyril Meyers is the owner and operator of a retail
ladies' wear store located at 3752 Wilshire Boulevard, Los Angeles,
California. On August 8, 1958, officers of the Los Angeles
Police Department entered these premises and in the rear of the
establishment in an office they found Meyers sitting at a desk
on which was a telephone, a National Daily scratch sheet and a
line sheet for sporting events. Also there were observed pieces

of paper which, in the opinion of the officer who testified, were notes of wagers on sporting events.

The officers remained in the office about one and one-half hours and during that time the phone rang approximately six times. These calls were answered by one of the police officers and he testified as to the conversation in one of them. A male voice asked for "Cy" and stated that he wanted to "put a bet on the fight tonight on Calhoun." The officer checked later and found that Calhoun was fighting in a professional fight in Los Angeles that evening.

The complainant testified that he was not aware of and did not authorize any illegal use of the telephone. Further, he stated that it was necessary in his business.

According to a stipulation presented at the hearing, and accepted by all parties, the telephone company received a letter dated January 14, 1959, from the Chief of Police of the City of Los Angeles requesting that the telephone service hereinabove described be discontinued. The telephone company pursuant to this letter discontinued the service. It should be noted that there were two telephones in the premises. One was a rotary arrangement with three numbers, DUnkirk 7-1191, 7-1192, and 7-1193, and the other was a pay telephone. The complaint filed herein requests restoration of the rotary service. This restoration was made as a result of Decision No. 57950, dated February 3, 1959, in Case No. 6221, which decision was an order granting temporary interim relief.

Upon this record we find that the telephone company exercised due care in taking the action it did in disconnecting the telephones, and we further find that this action is based upon reasonable cause as that term is used in Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 P.U.C. 853).

A careful review of this record leads us to now find that the complaint should be dismissed. The evidence shows that the telephone in question was used in connection with the making of bets. While counsel for complainant pointed out there were no bets on horse races, nevertheless the evidence does show there was at least one bet on a prize fight. Such betting is illegal and under the terms of Decision No. 41415, supra, telephone service may be discontinued whenever it is used in any activity that "is prohibited under any law, ordinance, regulation or other legal requirement."

O R D E R

The complaint of Cyril Meyers against The Pacific Telephone and Telegraph Company having been filed, public hearing having been held thereon, the case now being ready for decision, the Commission being fully advised in the premises and basing its decision on the evidence of record and findings herein,

IT IS ORDERED that the complainant's request for restoration of telephone service be denied, and that the complaint

be and it hereby is dismissed. The temporary interim relief order granted by Decision No. 57950, dated February 3, 1959, is hereby set aside and vacated.

IT IS FURTHER ORDERED that upon the expiration of thirty days after the effective date of this order, Cyril Meyers may file an application for telephone service and, if such application is filed, The Pacific Telephone and Telegraph Company shall install telephone service subject to its applicable rules and regulations and to the applicable law.

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

Dated at San Francisco, California,
this 2/15 day of April, 1959.

E. J. Fox
President
W. H. D. Smith
W. H. D. Smith
Theodore J. Deane
Commissioners

Commissioner Everett C. McKee, being necessarily absent, did not participate in the disposition of this proceeding.