

ORIGINAL

Decision No. 58465

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOE LEE,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

Case No. 6242

Joe Lee in propria persona.

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

D. H. Von Wittenberg, Deputy City Attorney, for the
Police Department of Los Angeles, intervener.

O P I N I O N

In the complaint herein, filed on March 23, 1959, Joe Lee alleges that he operates a filling station at 209 North Vignes Street, Los Angeles, California; that on or about March 19, 1959, the telephone service furnished by defendant to complainant at said address was disconnected by the defendant on the grounds that it was allegedly used for bookmaking purposes; that complainant did not use and does not intend to use the facilities for illegal purposes; and that he needs the telephone services.

On April 7, 1959, the telephone company filed an answer, the principal allegation of which was that on or about March 13,

1959, it had reasonable cause to believe that telephone service furnished to complainant under number MADison 3-3711 at 209 North Vignes Street, 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 and that having such reasonable cause the defendant was required to disconnect the service pursuant to this Commission's Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853).

A public hearing on the complaint was held on May 8, 1959, in Los Angeles, California, before Examiner Kent C. Rogers.

The complainant testified that the address at 209 North Vignes Street, Los Angeles, is a combination garage and service station; that on and prior to March 19, 1959, he had therein two employees; that on or about March 19, 1959, an employee of the complainant was arrested for allegedly receiving horse racing bets on the premises; that complainant knew nothing about illegal activities allegedly engaged in by said employee; that he was not arrested; that subsequently the telephone was disconnected; that he needs the telephone in his business; and that he will not permit it to be used for any illegal purposes.

The Police Department of the City of Los Angeles was represented at the hearing but presented no evidence.

Exhibit No. 1 is a letter dated March 12, 1959, from the office of the Chief of Police of the City of Los Angeles to the defendant apprising the defendant that complainant's telephone was being used as an instrumentality to violate or to aid and abet the violation of the law and requesting that the telephone service be

disconnected. This letter was received by the defendant on March 13, 1959, and the complainant's telephone service was disconnected pursuant thereto on March 19, 1959. 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 the telephone 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 the evidence fails to show that the complainant's telephone was used as an instrumentality to violate or to aid and abet the violation of the law and that therefore the complainant's telephone service should be reconnected.

O R D E R

The complaint of Joe Lee 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,

IT IS ORDERED that the complainant's request for telephone service be and it hereby is granted and that upon the filing by complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's place of business at 209 North Vignes Street,

Los Angeles, California, such installation 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 the date hereof.

Dated at San Francisco, California,
this 22nd day of May, 1959

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners