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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

R. D. BRADLEY, Jr.,

Complainant,

vs.

Case No. 6239

GENERAL TELEPHONE COMPANY OF CALIFORNIA, a corporation,

Defendant.

Milton Emlein for complainant.
William Coppinger for defendant.

O P I N I O N

By the complaint herein, filed on March 12, 1959, R. D. Bradley, Jr., requests that telephone service formerly furnished to him by defendant at Bradley's Food Market, 361 East Broadway, Long Beach, California, be ordered restored.

On March 24, 1959, by Decision No. 58158, as amended by Decision No. 58202, both in Case No. 6239, the Commission ordered that telephone service be restored to complainant pending a hearing on the complaint herein.

On April 10, 1959, 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 23, 1959, had

reasonable cause to believe that the telephone service furnished to complainant under HEmlock 7-8589 at 361 East Broadway, Long Beach, 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, supra.

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 he had a market at 361 East Broadway, Long Beach, for several years; that defendant furnished telephone service therein; that on or about January 23, 1959, complainant was arrested at said place for bookmaking and his telephone was disconnected; that subsequently his telephone was reconnected; that no complaint was filed; that his telephone has never been used for illegal purposes; and that he needs a telephone in his place of business.

No evidence was presented for the arresting officers.

Exhibit A, attached to the defendant's answer, is a copy of a letter from the office of the Sheriff of Los Angeles County to the defendant advising that the 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 or about January 23, 1959, and complainant's telephone service was

disconnected pursuant thereto. Thereafter service was reconnected pursuant to the order of this Commission. 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 A.

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. Therefore, the telephone service should be restored.

O R D E R

The complaint of R. D. Bradley, Jr., against General Telephone Company 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 order of the Commission in Decision No. 58158, dated March 24, 1959, as amended by Decision No. 58202, dated March 31, 1959, in Case No. 6239, temporarily restoring telephone service to the 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 the date hereof.

Dated at San Francisco, California,
this 2nd day of June, 1959.

[Signature]
President
[Signature]
[Signature]

Commissioners

Theodore H. Jenner
Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.