

ORIGINAL

Decision No. 58557

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LLOYD L. SLAGLE,

Complainant,

vs.

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 6232

Lloyd L. Slagle 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, intervenor.

O P I N I O N

The complaint of Lloyd L. Slagle of 11110 South Figueroa Street, Los Angeles, California, filed on March 5, 1959, alleges that prior to May 23, 1958, complainant was a subscriber to telephone service furnished by the defendant at said address; that on or about May 23, 1958, Martha Slagle, complainant's wife, was arrested by members of the Los Angeles Police Department for violation of Section 337a of the Penal Code and the telephone removed; that thereafter the charges against said Martha Slagle were dismissed; and that complainant desires that the telephone be re-installed.

On March 20, 1959, the telephone company filed an answer, the principal allegation of which was that on or about May 27, 1958, it had reasonable cause to believe that the complainant's telephone service, furnished at 11110 South Figueroa Street, Apartment 3, Los Angeles, California, under number PLmouth (sic) 5-4336, 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 on or about May 23, 1958, he was absent from the house when his wife, Martha Slagle, was arrested for bookmaking; that he needs the telephone and will not permit it to be used for any illegal purposes. Martha Slagle, complainant's wife, testified that on or about May 23, 1958, she was home alone at the complainant's residence; that she does not do any betting; that police officers entered the apartment and arrested her for bookmaking; that she was taken to jail and subsequently the charge was dismissed; and that since the arrest there has been no telephone in complainant's residence.

Exhibit No. 1 herein is a letter dated May 26, 1958, from the office of the Chief of Police of the City of Los Angeles Police Department to the defendant advising that complainant's telephone was being used as an instrumentality to violate or to

aid and abet the violation of the law, that the telephone had been confiscated and requesting that the telephone service be disconnected. This letter was received by the defendant on May 27, 1958, and the service was disconnected pursuant thereto on June 2, 1958. 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.

The Police Department of Los Angeles presented no evidence.

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 complainant is entitled to restoration of telephone service.

O R D E R

The complaint of Lloyd L. Slagle 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 the complainant's residence at 11110 South Figueroa Street, Apartment 3, 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 8th day of January, 1959.

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

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