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ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SAMUEL JONES,

Complainant,

vs.

Case No. 6256

PACIFIC TELEPHONE CO., a corporation,

Defendant.

Samuel Jones, in propria persona.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for the defendant.  
Davis H. Von Wittenburg, Deputy City Attorney,  
for the Police Department of the City  
of Los Angeles, intervenor.

O P I N I O N

By the complaint herein, filed on April 13, 1959, Samuel Jones of 1454½ West 70th Street, Los Angeles, California, alleges that he has been refused telephone service at that residence because of a situation with which he had nothing to do; that his home was rented out furnished including a telephone which was listed in his name; that the parties used the telephone for illegal purposes; that the telephone was taken out; and that he desires that the restriction be removed because he cannot rent the property.

On April 24, 1959, the telephone company filed an answer, the principal allegation of which was that pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853), on or about August 26, 1958, the telephone company had

reasonable cause to believe that the telephone service furnished to complainant under number Pleasant 1-3445 at 1454½ West 70th 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 telephone pursuant to Decision No. 41415, supra.

A public hearing was held in Los Angeles, California, on May 26, 1959, before Examiner Kent C. Rogers.

Complainant testified that he owns a home at 1454½ West 70th Street, Los Angeles, California, but resides at 2057 West 28th Street, Los Angeles; that prior to August 26, 1958, he had rented the premises on 70th Street to a Mrs. Slaughter; that she had been there approximately one month prior to August 26; and that approximately a week after August 26, 1958, he went to the premises to care for the lawn and found the doors open and Mrs. Slaughter gone. Subsequently, he said, he was advised that Mrs. Slaughter was arrested for bookmaking, and the telephone removed; that he did not permit the telephone to be used for illegal purposes; and that he is moving back into the 70th Street premises and needs a telephone.

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

Exhibit No. 1 is a copy of a letter from the Police Department of the City of Los Angeles to the telephone company dated August 22, 1958, advising that the complainant's telephone had been confiscated; that it had been used for the purpose of disseminating

horse racing information in connection with bookmaking; and requesting that the telephone facilities be disconnected. An employee of the telephone company testified that this letter was received on August 26, 1958, and that the telephone service was disconnected pursuant thereto on August 28, 1958, and has not been reconnected.

The position of the telephone company was that it had acted with reasonable cause as that term is defined 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 there is no evidence that complainant was engaged in or directly connected with or permitted the telephone facilities to be used for bookmaking activity. Therefore, the complainant is now entitled to restoration of telephone service.

O R D E R

The complaint of Samuel Jones against The Pacific Telephone and Telegraph Company having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record and the findings herein,

IT IS ORDERED that complainant's request for the 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 install telephone service at complainant's residence at 1454½ West 70th 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 23rd day of June, 1959.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners