

ORIGINAL

Decision No. 59593

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FRED M. FORESTER,

Complainant,

vs.

PACIFIC TELEPHONE COMPANY, a  
corporation,

Defendant.

Case No. 6381

Fred M. Forester in propria persona.  
Lawler, Felix & Hall, by David A. Workman, for  
defendant.

O P I N I O N

By the complaint herein, filed on November 12, 1959, Fred M. Forester requests that telephone service formerly furnished to him by defendant at 1122½ West 91st Street, Los Angeles, California, be ordered restored.

On November 25, 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 June 29, 1959, had reasonable cause to believe that telephone service furnished to complainant under number PLYmouth 7-1071 at 1122½ West 91st Street, Los Angeles, 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 December 29, 1959, in Los Angeles, before Examiner Kent C. Rogers.

The complainant testified that on and prior to June 24, 1959, he had a telephone furnished by the defendant at 1122½ West 91st Street, Los Angeles; that on said date the premises were raided by the Los Angeles County Sheriff's Department; that the complainant was arrested on a charge of bookmaking and the telephone was removed; that thereafter the complainant had a preliminary hearing on the charge and the charge was dismissed; and that the complainant needs a telephone and desires that the telephone service be ordered reinstalled.

No evidence was presented by any law enforcement officer.

Exhibit No. 1 is a copy of the letter from the office of the Sheriff of Los Angeles County to the defendant advising the defendant that the 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 removed; and requesting that the telephone service be disconnected. This letter was received by the defendant on June 26, 1959, and the complainant's telephone service was disconnected pursuant thereto on June 29, 1959. The service had not been reconnected at the time of the hearing. 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 therefore the telephone service should be restored.

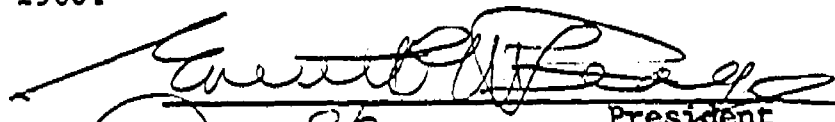
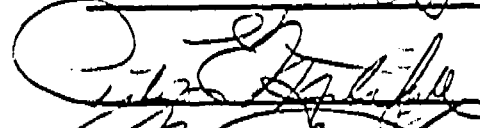
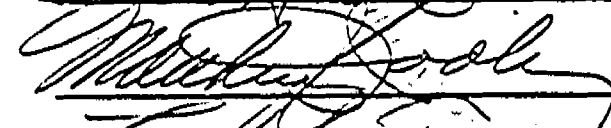
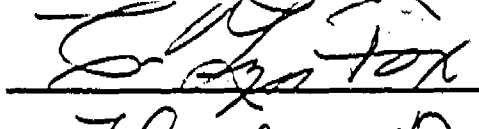
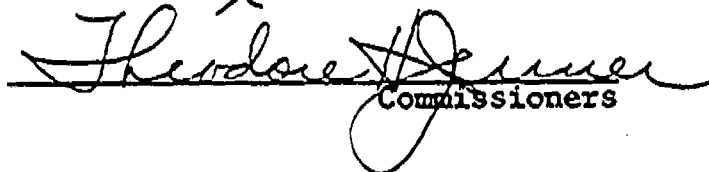
O R D E R

The complaint of Fred M. Forester 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 upon the evidence of record,

IT IS ORDERED that complainant's request for telephone service is granted, and that upon the filing by complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall install service in the complainant's residence at 1122½ West 91st 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 five days after the date hereof.

Dated at San Francisco, California, this 1st day of February, 1960.

  
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President  
  
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Commissioners