

ORIGINAL

Decision No. 59782

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM WALLACE DAVIS,

Complainant,

vs.

Case No. 6402

GENERAL TELEPHONE COMPANY OF CALIFORNIA, a Corporation,

Defendant.

Levy, Bernard & Jaffe, by Saul J. Bernard,
for the complainant.
Albert M. Hart, H. Ralph Snyder, Jr., and
Donald J. Duckett, by Donald J. Duckett,
for the defendant.

O P I N I O N

By the complaint herein filed on January 4, 1960, William Wallace Davis, doing business as Half-Way Social Club at 10710 East Whittier Boulevard, Whittier, California, requests that a semi-public telephone located at said address, service being furnished by the General Telephone Company, be ordered reinstalled, said service having been disconnected on or about June 26, 1959.

On January 15, 1960, the defendant, General 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 22, 1959, had reasonable cause to believe that the telephone service

furnished to complainant at said address 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 it was required to disconnect the telephone service.

A public hearing was held in Los Angeles, before Examiner Kent C. Rogers, on February 15, 1960.

The complainant testified that he has a pool hall and beer parlor at 10710 East Whittier Boulevard, Whittier, California; that prior to June 17, 1959, he had a semi-public pay telephone therein furnished by the defendant; that on or about said date the telephone was removed by deputy sheriffs, connected to the Los Angeles Sheriff's Office, for alleged bookmaking; that thereafter he was tried in Superior Court and acquitted of the charge; and that he needs the telephone in his business and has never permitted it to be used for illegal purposes.

The County Counsel of Los Angeles County was notified of the hearing but made no appearance thereat.

It was stipulated between the complainant and the defendant that on June 22, 1959, the defendant received a letter from the Sheriff's Department of Los Angeles County advising the defendant that the complainant's telephone was being used for bookmaking purposes and that the telephone had been removed, and requesting that the telephone service be disconnected. It was further stipulated that on or about June 26, 1959, pursuant to this letter, the defendant disconnected the service and that the telephone service has not been reconnected. 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 service, inasmuch as it had received the letter referred to, supra.

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 the complainant was engaged in, was directly connected with, or permitted the telephone facilities to be used for illegal activities. Therefore, the complainant is entitled to restoration of telephone service.

O R D E R

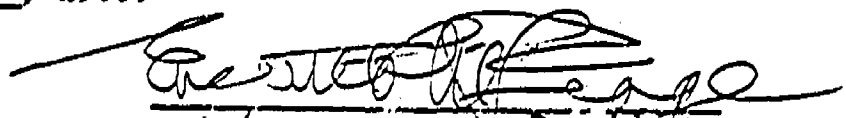
The complaint of William Wallace Davis against the General Telephone Company of California, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully informed in the premises and basing its decision upon the evidence of record and the findings herein,


IT IS ORDERED that complainant's request for restoration of telephone service be granted, and that upon the filing by complainant of an application for telephone service, the General Telephone Company of California shall restore telephone service to complainant's premises at 10710 East Whittier Boulevard, Whittier, California, such restoration being subject to all duly authorized

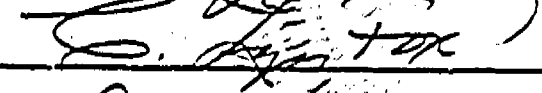
rules and regulations of the telephone company and to the existing applicable law.

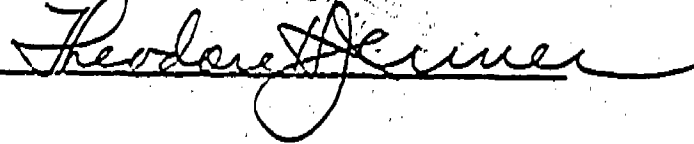
The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 15th day of March, 1960.



President






Commissioners

Commissioner Peter E. Mitchell ; being necessarily absent, did not participate in the disposition of this proceeding.