

ORIGINALDecision No. 60278

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ARTHUR P. HARMON,

Complainant,

vs.

Case No. 6453

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,

Defendant.

Arthur P. Harmon, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
 for defendant.

O P I N I O N

By the complaint herein, filed on April 13, 1960, Arthur P. Harmon requests the restoration of telephone service at his place of business, the Liberty Barber Shop, 3421 South Central Avenue, Los Angeles, California.

By Decision No. 60015, dated April 26, 1960, in Case No. 6453, the Commission ordered that the defendant restore service to the complainant pending a hearing on the complaint herein.

On May 9, 1960, 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 February 4, 1960, had

reasonable cause to believe that the telephone service furnished to complainant under number ADams 3-9267 at 3421 South Central Avenue, 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 service pursuant to this Commission's Decision No. 41415, supra.

A public hearing was held in Los Angeles, California, on May 24, 1960, before Examiner Kent C. Rogers.

The complainant testified that he has a place of business known as the Liberty Barber Shop at 3421 South Central Avenue, Los Angeles; that prior to February 1960, he had therein a telephone furnished by the defendant; that early in February 1960, the telephone service was disconnected by the defendant; that on or about April 27, 1960, the telephone service was reconnected and is now available temporarily; that he has never used it as an instrumentality to violate the law, nor permitted it to be so used; and that he needs the telephone service in his business.

There was no appearance by any law enforcement agency.

Exhibit No. 1 is a letter dated February 3, 1960, from the Chief of Police of the City of Los Angeles to the defendant, advising the defendant that complainant's telephone under number ADams 3-9267 at 3421 South Central Avenue, Los Angeles, California, was being used for the purpose of receiving and forwarding bets, and requesting that the telephone service be disconnected. The evidence shows that this letter was received by the telephone company on February 4, 1960. That pursuant thereto the service was

disconnected on February 11, 1960, and that the service was reconnected pursuant to this Commission's Decision No. 60015, supra, on April 29, 1960. It was the position of the telephone company 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 complainant's telephone was used for any illegal purpose, and that therefore the complainant is entitled to restoration of his telephone service.

O R D E R

The complaint of Arthur P. Harmon against The Pacific Telephone & 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 the order of the Commission in Decision No. 60015, dated April 26, 1960, in Case No. 6453, 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 five days after the date hereof.

Dated at San Francisco, California,
this 20th day of June, 1960.

[Signature]
President
[Signature]
[Signature]
[Signature]
Theodore J. Jenner
Commissioners