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Decision No. 5071S

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALFRED L. EVANS,
Complainant,)

vs.

Case No. 6479

PACIFIC TELEPHONE COMPANY,
a corporation,)
Defendant.)

Kenneth R. Thomas, for complainant.
A. J. Krappman, Jr., for defendant.

O P I N I O N

By the complaint herein, filed on May 17, 1960, Alfred L. Evans requests the restoration of telephone service to his home at 2111 Palm Grove Avenue, Los Angeles, California.

Thereafter, The Pacific Telephone and Telegraph 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), it had reasonable cause to believe that the telephone service furnished to complainant under number Republic 1-2363 at the above-mentioned address, was being used 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 on July 13, 1960, before Examiner Rowe at Los Angeles.

No evidence was presented by any law enforcement agency.

Exhibit No. 1 is a letter dated March 22, 1960, from the Chief of Police of the Department of Police of the City of Los Angeles to the defendant, advising the defendant that the complainant's telephone service under number RE 1-2363 at 2111 Palm Grove Avenue, Los Angeles, California, on March 12, 1960, was being used in violation of Section 337a of the Penal Code; that the telephones had been removed, and requesting that the service be disconnected. It was stipulated that this letter was received and that the telephone was disconnected pursuant thereto.

The record discloses that complainant was charged with bookmaking and that after trial in the Superior Court was acquitted.

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 the complainant's telephone was used for any illegal purpose, and that, therefore, the complainant is entitled to restoration of the telephone service.


O R D E R

The complaint of Alfred L. Evans 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,

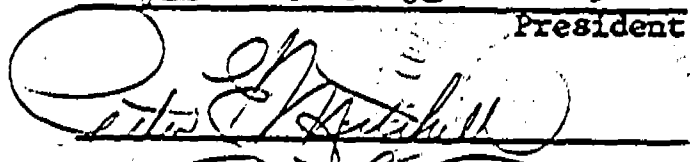
IT IS ORDERED that complainant's request for telephone service is granted and that, upon the filing by complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's residence at 2111 Palm Grove Avenue, Los Angeles, California, subject to all its authorized rules and regulations and applicable law.

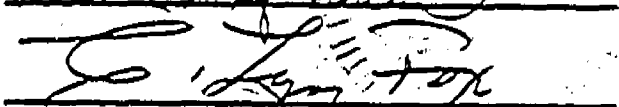
The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 13th day of September 1960.



President





Commissioners

Matthew J. Dooley
Commissioner... Theodore H. Jenner, being
necessarily absent, did not participate
in the disposition of this proceeding.