

ORIGINAL

Decision No. 60756

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PAUL R. MARTIN,

Complainant,

vs.

Case No. 6581

PACIFIC TELEPHONE,

Defendant.

Paul R. Martin, in propria persona.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.  
Harold W. Kennedy, County Counsel, by  
Thomas Porter, Deputy County Counsel,  
for the Sheriff's Department of the  
County of Los Angeles, intervener.

O P I N I O N

By the complaint herein filed on June 27, 1960, Paul R. Martin requests the restoration of telephone service to his place of business known as the Satellite Cleaners, at 116 North Hawthorne Boulevard, Hawthorne, California.

On July 13, 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 March 17, 1960, had reasonable cause to believe that the telephone service furnished to complainant under number Osborne 9-3945, at 116 North Hawthorne

Boulevard, Hawthorne, 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 on August 10, 1960, before Examiner Kent C. Rogers.

The record herein shows that the complainant has a cleaning shop at 116 North Hawthorne Boulevard, Hawthorne, California; that he and his wife are the only persons employed therein; that prior to March 15, 1960, he had a telephone therein furnished by the defendant; that on or about March 16, 1960, in the complainant's absence, his wife accepted horse racing bets over the telephone and was arrested and the telephone was removed; that complainant's wife pleaded guilty to the misdemeanor charge of bookmaking, was placed on probation and paid a fine of \$100; and that the complainant needs the telephone in his business.

Exhibit No. 1 is a letter dated March 15, 1960, from the Commander of the Vice Detail of the Los Angeles County Sheriff's Department to the defendant, advising the defendant that complainant's telephone, under number OSborne 9-3945, at 116 North Hawthorne Boulevard was on March 15, 1960, being used in connection with bookmaking in violation of Section 337a of the Penal Code; that the telephone had been confiscated and requesting that the service be disconnected.

The evidence shows that this letter was received by the telephone company on March 17, 1960, and that pursuant thereto the service was disconnected on March 23, 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 complainant's telephone was used for bookmaking purposes but that the complainant was not present at the time of such use, and that the complainant's wife who used the telephone has paid the penalty prescribed by law. It will, therefore, be ordered that the service be reconnected.

O R D E R

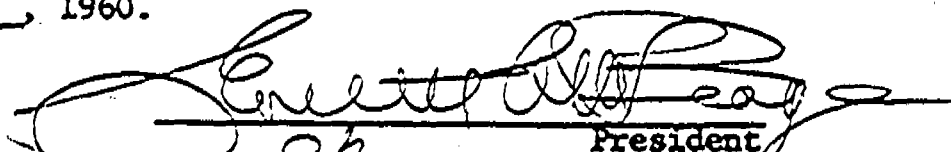
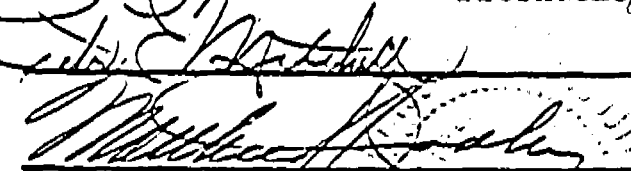
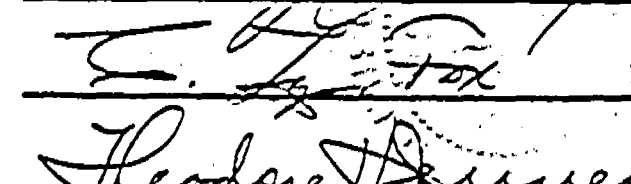
The complaint of Paul R. Martin against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the findings of record and the evidence herein,

IT IS ORDERED that the complainant's request for telephone service is granted and that upon the filing by the complainant of an application for telephone service The Pacific Telephone and Telegraph Company shall install telephone service at the

complainant's place of business at 116 North Hawthorne Boulevard, Hawthorne, 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 20th day of SEPTEMBER, 1960.

  
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President  
  
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Commissioners