

ORIGINAL
ORIGINAL

Decision No. 60800

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CARL STANLEY GETZ,

Complainant,

vs.

Case No. 6625

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Carl Stanley Getz, in propria persona.
Lawler, Felix & Hall, attorneys, by David Workman,
for defendant.

O P I N I O N

By the complaint herein, filed with this Commission on July 22, 1960, Carl Stanley Getz requests that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be ordered to reinstall telephone service at his home at 2109 West 103rd Street, Los Angeles, California.

On August 12, 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 PLYmouth 5-5961 at 2109 West 103rd Street, 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 having such reasonable cause the defendant was required to disconnect the telephone service pursuant to this Commission's Decision No. 41415, supra.

A public hearing was held in Los Angeles on August 30, 1960, before Examiner Kent C. Rogers.

Complainant testified that he resides at 2109 West 103rd Street, Los Angeles; that prior to March 15, 1960, he was furnished telephone service at said address by the defendant telephone company; that on or about said date the telephone service was disconnected by the telephone company without any cause; that he needs the telephone service; and that he desires that the telephone service be reinstalled.

Exhibit No. 1 herein is a letter dated March 15, 1960, from the Sheriff of Los Angeles County to the defendant advising the defendant that complainant's telephone under number Plymouth 5-5961 at 2109 West 103rd Place, Los Angeles, California, was on March 15, 1960, being used for the purpose of disseminating horse racing information which was being used in connection with bookmaking in violation of Section 337a of the Penal Code; that the telephone has been confiscated and requesting that the telephone service be disconnected. An employee of the telephone company testified that this letter was received on March 17, 1960, and that pursuant thereto the complainant's telephone service was disconnected on March 23, 1960, and that the 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 the telephone service since 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. Therefore, the complainant is entitled to restoration of telephone service.

O R D E R

The complaint of Carl Stanley Getz 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 and the findings herein,

IT IS ORDERED that complainant's request for telephone service be granted and that upon the filing by complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall restore telephone service to complainant's home at 2109 West 103rd Place, 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 27th day of September, 1960.

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