

**ORIGINAL**

Decision No. 64347

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PILOT LIQUORS, a Co-Partnership,  
 consisting of SAUL HOLLAND and  
 JULIUS HOLLAND,  
 Complainants,  
 vs.  
 GENERAL TELEPHONE COMPANY OF  
 CALIFORNIA, a Corporation,  
 Defendant.

Case No. 6987

Max Esterman, for complainant.  
A. M. Hart and Donald J. Duckett, by  
Donald J. Duckett, for defendant.

O P I N I O N

By the complaint, filed on October 4, 1960, Pilot Liquors requests an order of this Commission that the defendant, General Telephone Company of California, a corporation, be required to re-install telephone service at its place of business at 11665 West Jefferson Boulevard, Culver City, California.

On October 18, 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, 1942, in Case No. 4930 (47 Cal. P.U.C. 353), on or about August 6, 1960, had reasonable cause to believe that the telephone service furnished to Pilot Liquors under number EXmont 7-8125, located at 11665 West Jefferson Boulevard, Culver City, 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. Defendant denied the other allegations of the complaint.

A public hearing was held in Los Angeles on November 28, 1960, before Examiner Robert D. DeWolf.

Saul Holland, one of the partner-owners of the complainant, testified that no partner was booked or charged with any offense in connection with the use of the disconnected telephone and that a telephone is absolutely essential to the conduct of the complainant's business; that neither the partners nor the partnership were involved in any bookmaking activities and had no knowledge of the activities of their employees.

There was no appearance for any law enforcement agency.

A stipulation was made between defendant and complainant that a letter dated August 6, 1960, was received by defendant from the Office of the Sheriff of Los Angeles County as alleged in defendant's answer and Exhibit A attached thereto; that pursuant thereto said telephone was disconnected.

After full consideration of this record the Commission finds and concludes that the telephone company's action was based upon reasonable cause as that term is used in Decision No. 41415, supra, and 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 telephone service.

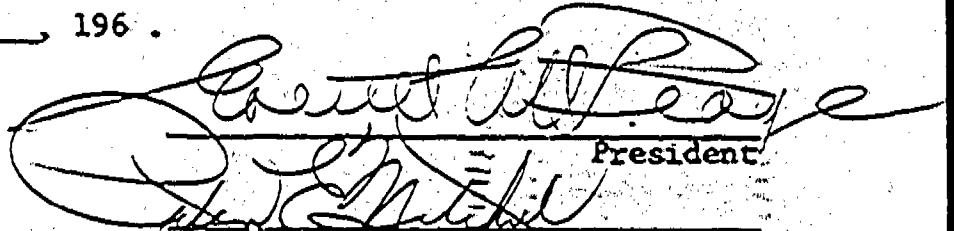
ORDER

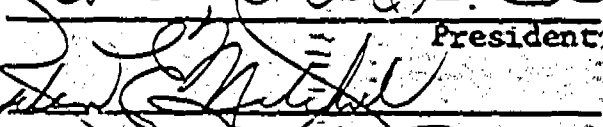
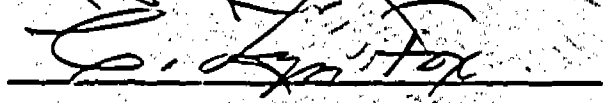
The complaint of Pilot Liquors against General Telephone Company of California, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence herein,

IT IS ORDERED that complainant's request for telephone service is granted and that, upon the filing by the complainant of an application for telephone service, General Telephone Company of California shall install telephone service at the complainant's place of business at 11665 West Jefferson Boulevard, Culver City, 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 17th day of JANUARY, 1966.

  
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President

  
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Commissioners