

ORIGINAL

Decision No. 61353

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEO CLIFFORD JOHNSON, dba LEO'S CLEANERS,

Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Case No. 7005

Leo Clifford Johnson, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for the defendant.
Roger Arnebergh, City Attorney, by Bernard
Patrusky, Deputy City Attorney, for the
Los Angeles Police Department, intervener.

O P I N I O N

By the complaint herein, filed on October 28, 1960,
Leo Clifford Johnson, doing business as Leo's Cleaners, requests
restoration of telephone service at his place of business,
1200 West 54th Street, Los Angeles, California.

On November 10, 1960, The Pacific Telephone and Telegraph
Company, a corporation, 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 October 11, 1960, had reasonable cause to believe that the
telephone service furnished to complainant under number

Pleasant 2-0459 at 1200 West 54th 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 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 on the complaint was held before Examiner Kent C. Rogers in Los Angeles on December 12, 1960.

The complainant testified that on or about September 28, 1960, he was in his cleaning shop at 1200 West 54th Street, Los Angeles, with his assistant, Willie Harris; that the police entered and arrested him and his assistant for bookmaking; that he was subsequently convicted of possession of a betting marker; that his assistant was convicted of bookmaking; that he at no time permitted anyone to use his telephone for bookmaking purposes; and that he needs the telephone in his business.

A Deputy City Attorney of the City of Los Angeles was present at the hearing but presented no evidence.

Exhibit No. 1 is a letter dated October 7, 1960, from the acting Chief of Police of the City of Los Angeles to the defendant advising the defendant that the telephone under number PL 2-0459 at 1200 West 54th Street, Los Angeles, California, was being used for forwarding and receiving bets in violation of the law, and that the telephone had been removed.

A representative of the telephone company testified that this letter was received on November 11, 1960, that a central office disconnection was effected on November 19, 1960, and that the service has not been reconnected. 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 illegal purposes and that he is, therefore, entitled to restoration of telephone service.

O R D E R

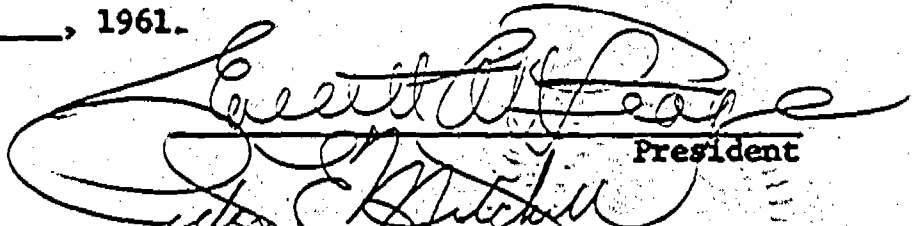
The complaint of Leo Clifford Johnson against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence of record,

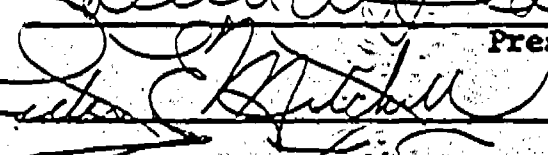
IT IS ORDERED that complainant's request for telephone service be granted, and that upon the filing by complainant of an application for telephone service, The Pacific Telephone and Telegraph Company shall restore telephone service to the complainant's

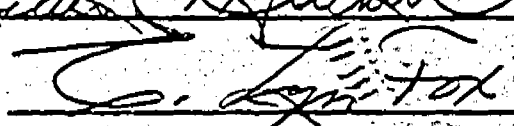
place of business at 1200 West 54th Street, Los Angeles, California, such installation to be subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

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

Dated at San Francisco, California, this 17th day of JANUARY, 1961.



President




Commissioners