

ORIGINAL

Decision No. 81420

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GLENN ORLANDO OLSON,

Petitioner,

vs.

Case No. 7001

PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Respondent.

Sidney A. Cherniss, for petitioner.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for respondent.

O P I N I O N

By the complaint herein, filed on October 21, 1960, Glenn Orlando Olson requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service furnished by the defendant at 806 Fair Oaks Avenue, South Pasadena, California, under telephone number SYcamore 9-1203 and as amended to show the correct number SYcamore 9-1204.

By Decision No. 60966, dated October 25, 1960, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On November 7, 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 October 7, 1960, had reasonable cause to believe that the telephone service furnished to Glenn Orlando Olson under number SYcamore 9-1203 at 806 Fair Oaks Avenue, South Pasadena, 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 December 12, 1960, before Examiner Robert D. De Wolf.

There was no appearance for any law enforcement agency.

Complainant was granted, without objection, leave to amend paragraph III of the complaint to show the correct telephone number to be SYcamore 9-1204.

Attorneys for complainant and defendant entered into a stipulation that complainant who was present would testify that all of the allegations in complainant's verified complaint are true and correct.

Defendant offered two letters to be introduced in evidence and attorneys for complainant and defendant entered into a stipulation that said letters may be admitted in evidence.

Exhibit No. 1 is a letter dated September 29, 1960, from Peter J. Pitchess, Sheriff, by William R. Hayes, Captain, to the defendant advising the defendant that the telephone furnished to Glenn Orlando Olson under number SYcamore 9-1203 was 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, and requesting that the telephone company disconnect the service. 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 inasmuch as it had received the letter designated as Exhibit No. 1.

Exhibit No. 2 is a letter dated October 5, 1960, from the same party, and substantially the same as Exhibit No. 1, except that it was sent to show a correction in the telephone number mentioned in Exhibit No. 1 to be SYcamore 9-1204.

After full consideration of this record we find 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.

O R D E R

The complaint of Glenn Orlando Olson 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 herein,

IT IS ORDERED that the order of the Commission in Decision No. 60966, dated October 25, 1960, in Case No. 7001,

temporarily restoring telephone service to the complainant, be amended to show the correct telephone number to be SYcamore 9-1204, and be made permanent, such restoration 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 twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of January, 1961.

Arthur W. Fargo

President
John L. Mitchell

E. Lynn Fox

Commissioners