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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SILAS EDWARDS,

Complainant,

vs.

Case No. 7026

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a corporation,
Defendant.

Joseph T. Forno, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh and Bernard Patrusky, for the
Los Angeles Police Department, intervener.

O P I N I O N

By the complaint herein, filed on November 21, 1960, Silas Edwards requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at 752 South Wilton Place, Los Angeles, California.

By Decision No. 61164, dated December 13, 1960, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On December 21, 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 28, 1960, had reasonable cause to believe that the telephone service furnished to Silas Edwards under number DUnkirk 8-8730 at 752 South Wilton Place, 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.

A public hearing was held in Los Angeles on February 2, 1961, before Examiner Robert D. De Wolf.

Attorneys for complainant, defendant and intervener entered into a stipulation that complainant would testify that all of the allegations of complainant's verified complaint are true and correct, and further that Exhibit No. 1 be admitted in evidence. The City Attorney appearing for the Los Angeles Police Department offered no evidence, and stated that the department's investigation was based solely on an anonymous telephone call and that no evidence was found on the premises that defendant committed a violation.

Exhibit No. 1 is a letter dated October 27, 1960, from Charles Stanley, Captain Commanding, Administrative Vice Division, Los Angeles Police Department, to the defendant advising the defendant that the telephone furnished to Silas Edwards under number DUnkirk 8-8730 was being used for the purpose of disseminating horse racing information which was being used in connection with book-making 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 in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

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 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 Silas Edwards 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. 61164, dated December 13, 1960, in Case No. 7026, temporarily restoring telephone service to the complainant, 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 21st day of March, 1961.

Charles E. [Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners