

ORIGINAL

Decision No. 61845

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CHARLES E. HATTON,

Complainant,

vs.

Case No. 7056

THE PACIFIC TELEPHONE AND TELEGRAPH CO.,

Defendant.

Charles Edward Hatton, in propria persona.
Lawler, Felix & Hall, by David A. Workman,
for the defendant.

Roger Arnebergh, by Bernard Patrusky for the
City of Los Angeles, intervener.

O P I N I O N

By the complaint, filed on January 31, 1961, Charles E. Hatton requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to install telephone service at his home at 3519 South Central Avenue, Apt. B, Los Angeles, California.

On February 9, 1961, 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 August 31, 1960, had reasonable cause to believe that the telephone service furnished to Charles E. Hatton under number ADams 2-0285 at 3519 South Central Avenue, Apt. B, 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. Defendant denied the other allegations of the complaint.

A public hearing was held in Los Angeles on March 17, 1961, before Examiner Robert D. DeWolf.

The Police Department of Los Angeles appeared by the City Attorney of Los Angeles and asked leave to intervene. No evidence was offered by intervener, but the Deputy City Attorney did cross-examine the complainant.

Charles E. Hatton, the complainant, testified that he was arrested on August 31, 1960, at his residence and charged with book-making and that he was later acquitted of this charge; that he has not used and will not use the telephone for any unlawful purpose.

Exhibit No. 1 is a letter dated September 1, 1960, from the Police Department of Los Angeles to the defendant advising that the telephone furnished to Charles E. Hatton under number ADams 2-0285 at 3519 South Central Avenue, Apt. B, Los Angeles, California, was being used for the purpose of disseminating horse racing information in violation of Section 337a of the Penal Code, and requesting that the telephone company disconnect the service. Pursuant thereto a central office disconnection was effected.

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, 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.

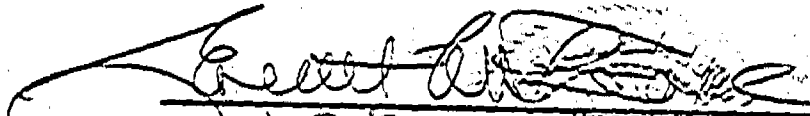
ORDER

The complaint of Charles E. Hatton 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,

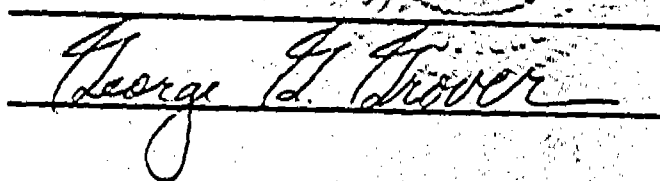
IT IS ORDERED that complainant's request for telephone service is granted and that upon the filing by the complainant of an application with the utility for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's place of residence at 3519 South Central Avenue, Apt. B, 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 18th day of April, 1961.



President



Commissioners

C. Lyn Fox;
Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioners