

ORIGINAL

Decision No. 61958

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Leroy C. Douglas,

Complainant,

vs.

Case No. 7051

Pacific Telephone Company, a Corporation,
Defendant.

Leroy C. Douglas, in propria persona.
Lawler, Felix & Hall, by David A. Workman,
for the defendant.
Roger Arnebergh, by Bernard Patrusky, for
City of Los Angeles, intervener.

O P I N I O N

By the complaint herein, filed January 23, 1961,
Leroy C. Douglas requests an order of this Commission that the
defendant, Pacific Telephone Company, a corporation, be required
to install telephone service at his new address at 3908 Montclair
Street, Los Angeles, California.

On February 2, 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 May 26, 1960, had
reasonable cause to believe that the telephone service furnished
to Leroy C. Douglas under number AXminster 3-0920 at 1307 West

42nd Street, Los Angeles, 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 March 17, 1961, before Examiner Robert D. DeWolf.

A police officer testified that he conducted a raid on the premises at 1307 West 42nd Street, Los Angeles, California, on May 19, 1960, and arrested a suspect there who filed a plea of guilty to bookmaking under Section 337a of the Penal Code, and that he removed six telephones from the premises. The officer stated that complainant was not on the premises at the time; that he did not identify the complainant's telephone number or his telephone with the unlawful activities and did not know that complainant's phone was being used for bookmaking or any unlawful purpose, and that the evidence of bookmaking was obtained in other rooms in the building.

The complainant testified that at the time of said raid he was employed as a technician by Hoffman Electronics and also was attending night school pursuing post graduate studies. He was renting two rooms at 1307 West 42nd Street and learned of the removal of the telephone late at night upon his return from night school. He had no knowledge of the bookmaking activities conducted in said building and had no connection with them; that he moved from said premises to his new address at

3908 Montclair Street upon learning of said illegal activities. He has since been laid off from his work and has need of a telephone to secure employment, and he will not use the same for any unlawful activities. The telephone company has refused to install telephone service at his new address.

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 telephone service at 3908 Montclair Street, Los Angeles, California.

O R D E R

The complaint of Leroy C. Douglas 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 for telephone service, The Pacific Telephone and Telegraph Company shall install telephone service at the complainant's place of residence at 3908 Montclair Street, 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 9th day of May, 1961.

William H. Ponder
President
George T. Grover
Commissioners
Frederick B. Holcomb