

Decision No. 62153

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM ROGERS,

Complainant,

vs.

Case No. 7063

PACIFIC TELEPHONE COMPANY,
a corporation,

Defendant.

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

O P I N I O N

By the complaint, filed on February 14, 1961, William Rogers requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at his place of business at 14547 Van Owen Street, Van Nuys, California.

On March 8, 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 February 3, 1961, had reasonable cause to believe that the telephone service furnished to Farr's Liquors, a partnership, under number State 5-1681, at

14547 Van Owen Street, Van Nuys, 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 May 12, 1961.

The complaint was amended at the hearing by stipulation of the parties to show complainants' true names to be William Rogers and Jack Rosenthal, copartners doing business under the name of Farr's Liquors.

The Police Department appeared and intervened by the City Attorney of Los Angeles. A police officer testified to the arrest of William Rogers on a charge of bookmaking, a violation of Section 337a of the Penal Code. The officer stated that he made a phone call to applicants' phone number State 5-1681 and placed a bet on a horse race; that at the time of the arrest he found the racing section of the Los Angeles Mirror News and small slips of paper containing marks of bets on races. That after entering the premises other phone calls to place bets on horse races were received.

William Rogers testified that he was arrested and charged with bookmaking and that all charges against him were dismissed.

Exhibit No. 1 is a letter dated February 2, 1961, from the Police Department of Los Angeles to the defendant advising

that the telephone furnished to The Farris Liquor Store under number ST 51681 at 14547 Van Owen, Van Nuys, 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. That 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 complainants' telephone was used as an instrumentality to violate the law in that it was used for bookmaking purposes in connection with horse racing.

O R D E R

The complaint of William Rogers and Jack Rosenthal, copartners doing business under the name of Farr's Liquors, 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 complainants' request for restoration of telephone service be denied.

IT IS FURTHER ORDERED that upon the expiration of sixty days after the effective date of this order, the complainants

herein may file an application for telephone service and, if such application is made, The Pacific Telephone and Telegraph Company shall install telephone service at complainants' address at 14547 Van Owen Street, Van Nuys, 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 twenty days after the date hereof.

Dated at San Francisco, California, this 20th day of June, 1961.

Walter D. Brown
President

George H. Brown

Fredrick B. Holmoff

Commissioners

Peter E. McHale
Commissioners C. Lynn Fox, being necessarily absent, did not participate in the disposition of this proceeding.