

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOSEPH KATON,

Complainant,

vs.

Case No. 7114

PACIFIC TELEPHONE & TELEGRAPH
COMPANY, a corporation,

Defendant.

Joseph Katon, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for the defendant.
Harold Kennedy, County Counsel, by Gordon W.
Treharne, for the Los Angeles County
Sheriff's Department, intervener.

O P I N I O N

By the complaint herein, filed May 11, 1961, Joseph Katon requests an order of this Commission that the defendant be required to reinstall telephone service at his address at 221 West 67th Way, Long Beach, California.

On May 22, 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 10, 1961, had reasonable cause to believe that the telephone service furnished to Joseph Katon under number NEwmark 8-6904 at 221 West 67th Way, Long Beach, 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, and that said telephone service was disconnected on February 20, 1961.

A public hearing was held in Los Angeles on June 22, 1961, before Examiner Robert D. DeWolf.

The complainant testified on direct and cross-examination that he had great need for a telephone in his work as an officer of a local union. A member of his family is ill of a heart condition and needs to keep in touch with the doctor. Complainant admitted that he had been arrested for bookmaking and stated that he had pleaded guilty and paid his fine. There was no testimony by any law enforcement officer.

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. We further find that the evidence discloses complainant's telephone was used for bookmaking purposes, complainant has been without the use of a telephone for more than five months and has paid a fine, and that complainant's telephone service at 221 West 67th Way, Long Beach, California, should be reinstalled. ✓

O R D E R

The complaint of Joseph Katon 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 complainant's request for restoration of 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 reinstall telephone service at the complainant's place of residence at 221 West 67th Way, Long Beach, 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 12th day of August, 1961.

Wentworth
President
W. E. Mitchell
C. L. Fox
George B. Hoover
Frederick B. Holbrook
Commissioners