

ORIGINAL

Decision No. 62625

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

C. R. CAMPBELL,  
 Complainant,  
 vs.  
 THE PACIFIC TELEPHONE AND  
 TELEGRAPH COMPANY, a corporation,  
 Defendant.

Case No. 7145

Joseph T. Forno by Arthur Lewis, for the complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr., for the  
defendant.

O P I N I O N

By the complaint, filed on June 27, 1961, C. R. Campbell 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 residence at 6370 Homes Avenue, Los Angeles, California. By Decision No. 62240, dated July 11, 1961, in Case No. 7145, the Commission ordered that the defendant restore telephone service to the complainant pending a hearing on the matter.

On July 20, 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 March 10, 1961, had reasonable cause to believe that the telephone service furnished to

C. R. Campbell under number LUdlow 1-1419 at 6370 Homes Avenue, 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 August 11, 1961, before Examiner Robert D. De Wolf.

There was no appearance by any law enforcement agency.

The complainant Colin R. Campbell testified to the truth of the allegations in his complaint and that a telephone is essential to aid him in securing employment. That he has not heretofore and will not in the future use said telephone for bookmaking or any unlawful activity.

Exhibit No. 1 is a letter dated March 8, 1961, from the Sheriff's office of Los Angeles County to the defendant advising that the telephone furnished to C. R. Campbell under number LUdlow 1-1419 at 6370 Homes Avenue, 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. 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 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 C. R. Campbell 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.

IT IS FURTHER ORDERED that the order of the Commission in Decision No. 62240, dated July 11, 1961, in Case No. 7145, temporarily restoring telephone service to the complainant, be made permanent, 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 3rd day of October, 1961.

[Signature] President

George G. Grover

Fredrick B. Halbachoff

Commissioners