

ORIGINAL

Decision No. 62626

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEON JONES, individually,
and LEON JONES, doing business
as LEON'S CENTURY SERVICE,

Complainant,

vs.

PACIFIC TELEPHONE COMPANY,
a corporation,

Defendant.

Case No. 7142

Kroneberger & Goetz, by Walter L. Kroneberger, Jr.,
for complainant.

Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.

Roger Arnebergh, by Bernard Patrusky, for City
Attorney, intervener.

O P I N I O N

By the complaint herein, filed on June 26, 1961, Leon Jones, individually, and Leon Jones, doing business as Leon's Century Service, 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 305 West Anaheim Street, Wilmington, California.

On July 7, 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 3, 1961, had reasonable cause to believe that the telephone service furnished

to Leon Jones under number TErMinal 4-9880 at 305 West Anaheim Street, Wilmington, 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.

A public hearing was held in Los Angeles on September 8, 1961, before Examiner Robert D. DeWolf.

The complainant Leon Jones testified that he is the proprietor of a gasoline service station at 305 West Anaheim Street, Wilmington, California; that he uses the telephone service in his business and same is essential for contacting his customers; that he was found guilty of bookmaking and has paid the fine; and that he will not use or permit the use of said telephone for any illegal or unlawful purpose.

Exhibit No. 1 is a letter dated March 1, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Leon's Century Service under number TE 49880 at 305 West Anaheim, Wilmington, 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.

Exhibit No. 2 is a copy of the arrest report admitted in evidence by stipulation of the parties, consisting of three pages containing the officers' report of complainant's statement, the officers' statement, and a description of the bookmaking paraphernalia taken on the premises at said time.

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; that the complainant's telephone was used as an instrumentality to violate the law in that it was used for bookmaking purposes in connection with horse racing; that complainant's telephone has now been disconnected more than eight months and that he has paid a fine; that complainant has stated he will not use or permit the use of his telephone for any illegal purpose; that there is urgent need for a telephone by complainant in his business; and that the complainant should have telephone service at his place of business located at 305 West Anaheim Street, Wilmington, California, restored.

O R D E R

The complaint of Leon Jones, individually, and Leon Jones, doing business as Leon's Century Service, 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 reinstall telephone service at the complainant's place of business at 305 West Anaheim Street, Wilmington,

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 3rd day of October, 1961.

E. L. Fox President

George A. Grover

Fredrick B. Helchoff

Commissioners

Everett C. McKeage
Commissioner..... Peter E. Mitchell, being
necessarily absent, did not participate
in the disposition of this proceeding.