

ORIGINAL

Decision No. 62628

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TERANCE C. GUTHRIE,
 Complainant,
 vs.
 THE PACIFIC TELEPHONE AND TELE-
 GRAPH COMPANY,
 Defendant.

Case No. 7152

Terance C. Guthrie, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
 for defendant.
 Roger Arnebergh, by Bernard Patrusky, for the
 Police Department of the City of Los Angeles,
 intervenor.

O P I N I O N

By the complaint herein, filed July 13, 1961, Terance C. Guthrie 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 home at 246 North New Hampshire Avenue, Los Angeles, California.

On July 28, 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 June 28, 1961, had reasonable cause to believe that the telephone service furnished to Terance C. Guthrie under number DUnkirk 2-5775 at 246 North New Hampshire 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.

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

The complainant testified that he was arrested at his home on June 24, 1961; that his telephone was removed from the premises; that thereafter the case against him was dismissed; that he had never used said telephone for bookmaking purposes; that in the future he will not use said telephone for any unlawful activities; and that he has great need for use of a telephone at his home.

Exhibit No. 1 is a letter dated June 27, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Terance C. Guthrie under number DU 2-5775 at 246 North New Hampshire 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. Pursuant thereto a central office disconnection was effected.

The Police Department of the City of Los Angeles appeared and intervened by the City Attorney. No evidence was offered by the intervenor, but the City Attorney did cross-examine the complainant, and stipulated with the complainant that the Police Department had probable cause to send the letter identified as Exhibit No. 1.

After full consideration of this record the Commission finds and concludes that the telephone company's action was based

