

ORIGINAL

Decision No. 62744

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STANLEY KETCHELL,
 Complainant,
 vs.
 THE PACIFIC TELEPHONE AND TELEGRAPH
 COMPANY, a corporation,
 Defendant.

Case No. 7144

Stanley L. Ketchell, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
 for the defendant.
 Roger Arnebergh, City Attorney, by Bernard
Patrusky, for intervener.

O P I N I O N

By the complaint herein, filed on June 27, 1961, Stanley Ketchell 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 business at 18458 Sherman Way, Reseda, California.

By Decision No. 62272, dated July 18, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On July 13, 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 12, 1961, had

reasonable cause to believe that the telephone service furnished to Stanley Ketchell at 18458 Sherman Way, Reseda, 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 13, 1961, before Examiner Robert D. DeWolf.

The complainant Stanley Ketchell testified that he was closing the business and discontinuing the telephone service at 18458 Sherman Way, Reseda, California; that he has not used and does not intend to use said telephone facilities for any unlawful purpose; that in a future business location he will need a telephone and desires an order authorizing connection of a telephone.

There was no evidence offered by any law enforcement agency. The deputy city attorney made no objection to complainant's request.

Exhibit No. 1 is a letter dated June 9, 1961, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Stan's Liquor Store, under number DI 3-4033, at 18458 Sherman Way, Reseda, 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.

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 Stanley Ketchell 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,

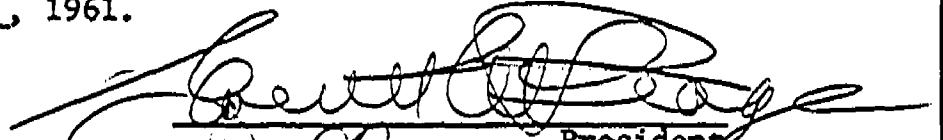
IT IS ORDERED that the order of the Commission in Decision No. 62272, dated July 18, 1961, in Case No. 7144, temporarily restoring telephone service to the complainant is vacated for the reason that complainant has requested disconnection of the service.

IT IS FURTHER 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 install telephone service


at the complainant's place of business, 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.

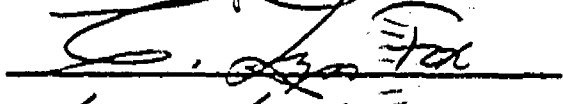
Dated at San Francisco, California, this 31st day of OCTOBER, 1961.




President




W. L. Pittman



E. J. Fox



George L. Grover



Commissioners