

ORIGINAL

Decision No. 62746

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AL GLOSSOP, dba AL GLOSSOP
LIQUOR STORE,
Complainant,

vs.

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,
Defendant.

Case No. 7150

Joseph T. Forno, for the complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for the defendant.
Harold W. Kennedy, County Counsel, by Gordon W. Treharne, for the intervenor.

O P I N I O N

By the complaint herein, filed on July 11, 1961, Al Glossop, dba Al Glossop Liquor Store, 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 2619 W. Florence Avenue, Los Angeles, California.

By Decision No. 62324, dated July 25, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On August 2, 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 July 12, 1961, had reasonable cause to believe that the telephone service furnished to Al Glossop under number Pleasant 3-2305, at 2619 West Florence 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 13, 1961, before Examiner Robert D. DeWolf.

The complainant testified that he did not use and does not intend to use said telephone facilities to violate the law or to aid and abet such violation; and that telephone service is necessary to the operation of his store business.

There was no evidence offered by any law enforcement agency. A deputy county counsel appeared on behalf of the Sheriff of Los Angeles County and cross-examined the complainant.

Exhibit No. 1 is a letter dated July 11, 1961, from the Sheriff's Office of Los Angeles County advising that the telephone furnished to Al Glossop under number PL 3 2305 and extension at 2619 W. Florence, 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.

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 Al Glossop, dba Al Glossop Liquor Store, 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. 62324, dated July 25, 1961, in Case No. 7150, temporarily restoring telephone service to the complainant, be made permanent, such restoration 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.

Everett R. Pope
 President

W. J. [unclear]

S. Lynn Fox

George J. Grover

Frederick B. Hallock
 Commissioners