

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DALE R. STOGSDILL,

Complainant,

vs.

Case No. 7185

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY, a
corporation,

Defendant.

Joseph T. Forno, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Harold W. Kennedy, County Counsel, by Gordon W. Treharne, for Sheriff's Office of the County of Los Angeles, intervener.

O P I N I O N

By the complaint herein, filed on August 31, 1961, Dale R. Stogsdill 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 4349 Maxson Road, El Monte, California.

By Decision No. 62576, dated September 19, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On September 27, 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 August 15, 1961, had reasonable cause to believe that the telephone service furnished to Dale R. Stogsdill under number GILbert 8-0063 at 4349 Maxson Road, El Monte, 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 November 17, 1961, before Examiner Robert D. DeWolf and the matter was submitted on said date.

The complainant testified that his wife is under a doctor's care for thrombophlebitis and he has need of the telephone to contact her doctor and to secure medicine. The telephone was disconnected and complainant's wife arrested in his absence and the charges against her have been dismissed. Complainant was not accused of any unlawful use of the telephone.

Exhibit No. 1 is a letter dated August 10, 1961, from the Sheriff of the County of Los Angeles to the defendant, advising that the telephone furnished to Dale Stogsdill under number GILbert 8-0063 at 4349 Maxson Road, El Monte, 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 Sheriff of Los Angeles County appeared and intervened by Deputy County Counsel Gordon W. Treharne. No witnesses were called by the intervener, but the Deputy County Counsel did cross-examine the complainant.

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 evidence fails to show that the complainant's telephone was used for any illegal purpose; and that the complainant is entitled to restoration of telephone service.

O R D E R

The complaint of Dale R. Stogsdill 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. 62576, dated September 19, 1961, in Case No. 7185, 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 26th day of JANUARY, 1962.

Edward A. Rago
President

George T. Grover

Frederic B. Halbach

Commissioners
Peter E. Mitchell
C. Lyn Fox

Commissioner....., being necessarily absent, did not participate in the disposition of this proceeding.