

ORIGINAL

Decision No. 63178

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDGAR J. SOKOL, dba
INTERNATIONAL TURF CLUB
OF SAN FRANCISCO,

Complainant,

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

a Corporation.

Case No. 7209

Marshall W. Krause, for complainant.
Dudley Zinke, for defendant.
A. Mullens, for the San Francisco Police
Department.

O P I N I O N

A public hearing was held before Examiner Thomas E. Daly on December 19, 1961 at San Francisco and the matter was submitted.

The record indicates, and we find, that prior to October 13, 1961, J. Sokol, 323 Geary Street, Room 418, San Francisco, California was a subscriber to applicant's telephone facilities under numbers SU 1-5926, SU 1-5927, SU 1-5928 and SU 1-5929; that complainant, doing business as the International Turf Club, operates a service whereby a club member, after paying a five dollar membership fee, is entitled to receive the names of race horses picked by the club to win at local tracks; that in the event a member should bet on one of the selected horses and win, he is honor bound to pay a percentage of his winnings to the club; that on October 13, 1961, complainant's

telephone service was disconnected by defendant pursuant to a letter dated October 11, 1961 from the Chief of Police of San Francisco indicating that there was probable cause to believe that complainant's telephone facilities were being used for an unlawful purpose; that on October 24, 1961, this Commission, by Decision No. 62717, ordered the restoration of complainant's service on an interim basis; that the aforesaid letter was predicated upon the arrest of one Allen Denton for bookmaking on October 11, 1961 in a San Francisco hotel; that included among the records of Denton was racing information relating to the International Turf Club; that the arresting officer, being of the opinion that said records indicated either that complainant had placed bets with Denton or that Denton had placed bets with complainant, recommended to his superior officer that complainant's telephone service be disconnected; and that no arrests were made on the club premises for activities conducted thereon. The record contains no direct evidence that the disconnected telephone facilities of complainant were in fact used for an unlawful purpose.

After consideration, the Commission finds and concludes that the record fails to show that said telephone facilities were used for an unlawful purpose. The Commission further finds and concludes that defendant herein acted upon reasonable cause in disconnecting said telephone facilities.

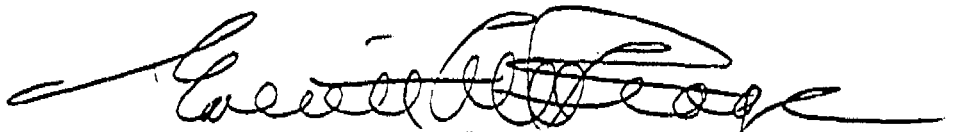
O R D E R

Complaint having been filed and the Commission being informed in the premises,

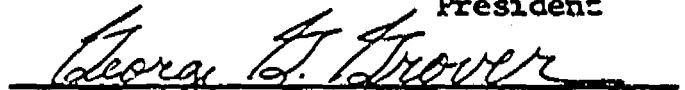
IT IS HEREBY ORDERED that the Commission's order granting interim relief in Decision No. 62717 is hereby made permanent.

The effective date of this order shall be twenty days after the date hereof.

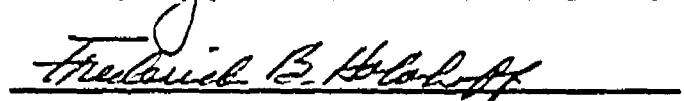
Dated at San Francisco, California, this 26th day of January, 1962.



President



George H. Grover



Frederick B. Holschlag

Commissioners

Peter E. Mitchell
Commissioner ~~S.~~ C. Lyn Fox, being
necessarily absent, did not participate
in the disposition of this proceeding.