

ORIGINAL

Decision No. 63328

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SWEN D. ANDERSON,

Complainant,)

vs.)

Case No. 7212

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.)

Harvey E. Byron, for complainant.Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.O P I N I O N

By the complaint herein, filed on October 23, 1961, Swen D. Anderson 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 10025 South Gramercy Place, Los Angeles, California.

On November 6, 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 October 17, 1961, had reasonable cause to believe that the telephone service furnished to Swen D. Anderson under number PLYmouth 6-2248 at 10025 South Gramercy Place, Los Angeles, 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 January 17, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

The complaint alleges that complainant is a house painter and has great need for telephone service in his work; that his telephone has been disconnected since October 13, 1961; and that he does not intend to use said facilities for any unlawful purpose. Attorneys for the complainant and the defendant stipulated that complainant, if called to testify, would testify that the allegations of the complaint are true.

There was no appearance or testimony offered on behalf of any law enforcement agency.

Exhibit No. 1 is a letter dated October 14, 1961, from the Sheriff of Los Angeles County to the defendant, advising that the telephone furnished to Swen D. Anderson under number PL 6-2248 at 10025 South Gramercy, Los Angeles, 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; 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.

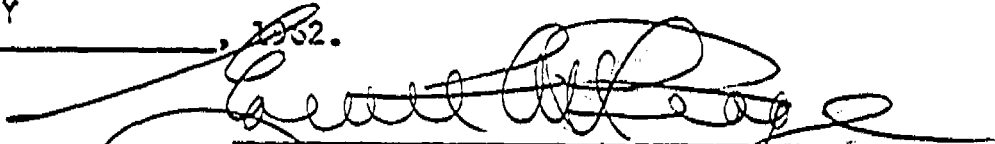
O R D E R

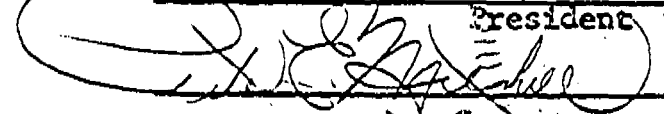
The complaint of Swen D. Anderson against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision upon the evidence herein,

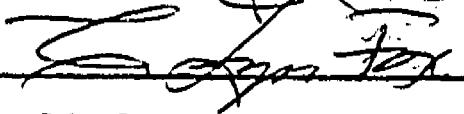
IT IS ORDERED that complainant's request for telephone service is granted, and that, upon the filing by the complainant of an application with the utility for telephone service, The Pacific Telephone and Telegraph Company shall reinstall telephone service at the complainant's home at 10025 South Gramercy Place, Los Angeles, 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 five days after the date hereof.

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



President






Commissioners

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