

ORIGINAL

63330

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDWIN A. WHITE,

Complainant,

vs.

Case No. 7220

PACIFIC TELEPHONE and TELEGRAPH  
COMPANY, a corporation,

Defendant.

James S. Fitzpatrick, for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.  
Roger Arnebergh, City Attorney, by Charles W. Sullivan, for the Police Department of the  
City of Los Angeles, intervener.

O P I N I O N

By the complaint herein, filed on November 3, 1961, Edwin A. White 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 5717 Naomi Avenue, Los Angeles 11, California.

By Decision No. 62790, dated November 14, 1961, the Commission ordered that the defendant restore telephone service to the complainant pending hearing on the matter.

On November 22, 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 9, 1961, had reasonable cause to believe that the telephone service furnished to Edwin A. White under number ADams 3-5731 at 5717 Naomi 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 January 17, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified that he has great need for telephone service to contact his employer, and that he has not used the telephone to violate the law and will not use it for any unlawful purpose.

Exhibit No. 1 is a letter dated October 6, 1961, from the Chief of Police of the City of Los Angeles to the defendant, advising that the telephone furnished to Edwin A. White under number ADams 3-5731 at 5717 Naomi Avenue, 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.

There was no testimony by any law enforcement officer. A deputy city attorney appeared on behalf of the Police Department of Los Angeles and cross-examined 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 therefore the complainant is entitled to restoration of telephone service.

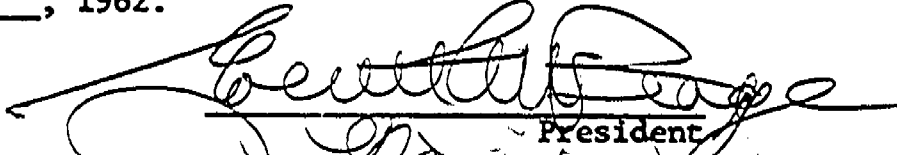


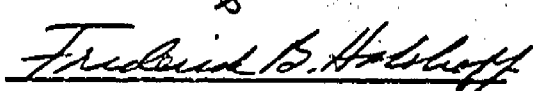
O R D E R

The complaint of Edwin A. White 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. 62790, dated November 14, 1961, in Case No. 7220, 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 five days after the date hereof.

Dated at San Francisco, California, this 21st day of FEBRUARY, 1962.

  
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President  
  
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Frederick B. Halshoff

Commissioners