

ORIGINAL

Decision No. 63592

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

NATHAN GOLDBERG,

Complainant,

vs.

Case No. 7236

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

Ralph Rosenstock, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Harold Kennedy, County Counsel, by Norman L.
Lockwood, for Sheriff's Department,
intervenor.

O P I N I O N

By the complaint herein, filed on November 20, 1961, Nathan Goldberg requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, be required to reinstall telephone services at 2110 S. Atlantic Boulevard, Los Angeles 22, California.

By Decision No. 62881, dated December 5, 1961, the Commission ordered that the defendant restore telephone services to the complainant pending further Commission order.

On December 12, 1961, the telephone company filed an answer, the principal allegation of which was that the telephone company, on or about November 9, 1961, had reasonable cause to believe that the telephone services furnished to Nathan Goldberg under numbers Angelus 1-6534 and Angelus 2-4833 at 2110 South Atlantic Boulevard, City of Los Angeles, State of California, were being or were to be

used as instrumentalities directly or indirectly to violate or to aid and abet the violation of the law.

A public hearing was held in Los Angeles on March 21, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Exhibit No. 1 is a copy of a letter dated November 6, 1961, from the Office of the Sheriff, County of Los Angeles to the defendant, advising the defendant that the telephones furnished to Nathan "D" Goldberg under numbers Angelus 1-6534 and Angelus 2-4833 were being used for the purpose of disseminating horse-racing information which was being used in connection with bookmaking in violation of Section 337a of the Penal Code, and requesting that the telephone company disconnect the services. The position of the telephone company was that it had acted with reasonable cause as that term is used in Decision No. 41415 in disconnecting the telephone services inasmuch as it had received the letter designated as Exhibit No. 1.

The complainant testified that he has need for the telephone services in his dry cleaning business, and that he has never used the telephones for any unlawful purposes and has never consented to the use of the telephones by his employees for any unlawful purposes.

The Sheriff of Los Angeles County appeared by a Deputy County Counsel and cross-examined the complainant, but offered no evidence.

After full consideration of this record, we find 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 telephones were used

for any illegal purposes, and that therefore the complainant is entitled to restoration of telephone service.

ORDER

The complaint of Nathan Goldberg against The Pacific Telephone and Telegraph Company 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. 62381, dated December 5, 1961, in Case No. 7236, temporarily restoring telephone services 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 APRIL, 1962.

President

(Signature)

Commissioners

(Signature)

(Signature)

(Signature)

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