

ORIGINAL

Decision No. 63884

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDDIE REDLICH,

Complainant,

vs.

THE PACIFIC TELEPHONE  
AND TELEGRAPH COMPANY,  
a corporation,

Defendant.

Case No. 7313

Joseph T. Forno, 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 April 6, 1962, Eddie Redlich requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at 612 No. Sycamore Avenue, Hollywood, California.

By Decision No. 63578, dated April 17, 1962, the Commission ordered that the defendant restore telephone service to the complainant pending further Commission order.

On April 30, 1962, 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 February 2, 1962, had reasonable cause to believe that the telephone service furnished to Eddie Redlich under number WE 6-4734 at 612 North Sycamore Avenue, Apartment 3, 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 May 28, 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 February 1, 1962, from the Chief of Police of the City of Los Angeles to the defendant, advising the defendant that the telephone furnished to Eddie Redlich under number WE 64734 and extension was 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 service. 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 service inasmuch as it had received the letter designated as Exhibit No. 1.

Counsel for complainant and defendant stipulated that the complainant, if called as a witness, would testify to the truth of the allegations of the complaint and the need for telephone service.

There was no testimony offered by any law enforcement agency.

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 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 Eddie Redlich 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. 63578, dated April 17, 1962, in Case No. 7313, 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 2nd day of July, 1962.

George L. Thayer  
 President

John C. Mitchell

Walter H. Rose

Frederic D. Halbach

Commissioners

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