

ORIGINAL

Decision No. 63911

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CHESTER GEE,

Complainant,

v.

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.

Case No. 7317

Joseph T. Forno, for complainant.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, by Charles E. Greenberg,
Deputy City Attorney, for Police Department
of the City of Los Angeles, intervener.

O P I N I O N

By the complaint herein, filed on April 9, 1962, Chester Gee requests an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at 394 South Norton Ave., Los Angeles 5, California.

By Decision No. 63580, 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, 1942, in Case

No. 4930 (47 Cal. P.U.C. 853), on or about March 19, 1962, had reasonable cause to believe that the telephone services furnished to Chester Sang Gee under numbers WE 9-4285 and WE 4-2094 at 894 South Norton Avenue, Los Angeles, 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, and that having such reasonable cause the defendant was required to disconnect the services 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 letter dated March 16, 1962, from the Chief of Police of the City of Los Angeles to the defendant, advising the defendant that the telephones furnished to Chester Sang Gee under numbers WE 42094 and WE 94285, and two extensions, 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.

Complainant testified that he is in the wholesale meat business and gets phone calls at home from cafes before going to his store and has great need for such telephone service. His

wife, Violet, was arrested and charged with making bets, but the case was dismissed March 28, 1962. He testified that he has not used the telephone for any unlawful purposes and will not do so in the future.

There was no testimony offered by any law enforcement agency. A deputy city attorney for the police department examined complainant.

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 Chester Gee 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. 63580, dated April 17, 1962, in Case No. 7317, 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 10th day of July, 1962.

George G. Grover
President

[Signature]

[Signature]

[Signature]

Fredrick B. Holbrook
Commissioners