

Decision No. 64057

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN LAMB,

Complainant,)

vs.)

Case No. 7363

THE PACIFIC TELEPHONE
AND TELEGRAPH COMPANY,
a corporation,

Defendant.)

Kenneth Foley, 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 May 23, 1962, John Lamb 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 9846 Yoakum Drive, Beverly Hills, California.

On June 7, 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 May 16, 1962, had reasonable cause to believe that the telephone service furnished to John Lamb under number CRestview 6-4362 at 9846 Yoakum Drive, Beverly Hills, 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 July 9, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified that he is a free lance motion picture cameraman and film editor and has great need for use of the telephone in this occupation to contact his clients and in connection with his work. He testified that he did not use the telephone for bookmaking and will not do so in the future.

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

Exhibit No. 1 is a letter dated May 14, 1962, from the Chief of Police of the City of Los Angeles to the defendant, advising that the telephone furnished to John Lamb under number CRestview 6-4362 at 9846 Yoakum Drive, Beverly Hills, 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 John Lamb 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 9846 Yoakum Drive, Beverly Hills, California, 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 7th day of AUGUST, 1962.

George G. Traver
President

Arthur D. H. Hill

E. Lynn Fox

Wesley D. Page

Frederick B. Hallock
Commissioners