

ORIGINAL

Decision No. 64289

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT MCKNIGHT

Complainant,

vs.

Case No. 7379

PACIFIC TELEPHONE COMPANY

Defendant.

Robert McKnight, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.
Roger Arnebergh, City Attorney, by Charles E.
Greenberg, Deputy City Attorney, for the
Los Angeles Police Department, intervener.

O P I N I O N

By the complaint herein, filed on June 19, 1962, Robert McKnight requests an order of this Commission that the defendant, Pacific Telephone Company, be required to reinstall telephone service at his home at 2404 2nd Avenue, Apartment #6, Los Angeles 18, California.

On July 5, 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 2, 1962, had reasonable cause to believe that the telephone service furnished to Robert McKnight under number RE 2-0259, at 2404 Second Avenue, Apartment 6, 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 August 20, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified that he is a shipping clerk and has great need of telephone service to keep in touch with his employer regarding billing and his other duties. He had a roommate, who is no longer living in the apartment, who shared the rent and utilities. This roommate was arrested but no charges were filed against him, and no betting equipment was found on the premises. Complainant further testified that he has never used his telephone for any unlawful purposes and that he would not allow any such activities if he did learn of it.

A deputy city attorney appeared and cross-examined complainant, but no testimony was offered on behalf of any law enforcement agency.

Exhibit 1 is a letter dated May 1, 1962, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Robert McKnight under number RE 20259 at 2404 Second Avenue, Apt. 6, 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.

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 Robert McKnight 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 2404 2nd Avenue, Los Angeles 18, 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 25th day of September, 1962.

George G. Grover President
[Signature]
[Signature]
Fredrick B. Holshoff Commissioners