

**ORIGINAL**

Decision No. 64292

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JULIUS JOHNSON and  
RUBY E. JOHNSON,

Complainants,

vs.

Case No. 7396

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a corporation,

Defendant.

Julius Johnson and Ruby E. Johnson, in propriae  
personae.

Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.

Roger Arnebergh, City Attorney, by Charles E.  
Greenberg, for the Los Angeles Police  
Department, intervener.

O P I N I O N

By the complaint herein, filed on July 10, 1962, Julius Johnson and Ruby E. Johnson request an order of this Commission that the defendant, The Pacific Telephone and Telegraph Company, a corporation, be required to reinstall telephone service at their home at 215 East 83rd Street, Los Angeles, California.

On July 20, 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 March 6, 1962, had reasonable cause to believe that the telephone service furnished to Julius Johnson under number PL 9-4630 at 215 East 83rd Street,

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 22, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant Julius Johnson testified that he has great need for telephone service in his work and also for his eleven-year old daughter who has an asthmatic condition which on occasion requires medical care. The telephone was listed in his name, and his wife was not a subscriber. The complainants stipulated with the attorney for the defendant that the complainant Ruby E. Johnson was not a subscriber to the telephone service, does not wish to apply for service, and is not a proper party, and therefore her complaint should be dismissed.

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

Exhibit No. 1 is a letter dated March 2, 1962, from the Police Department of the City of Los Angeles to the defendant, advising that the telephone furnished to Julius Johnson under number PL 9-4630 at 215 E. 83rd Street, 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 Julius Johnson and Ruby E. Johnson 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 request of complainant Julius Johnson for telephone service is granted, and the complaint of Ruby E. Johnson is dismissed, and that, upon the filing by the complainant Julius Johnson 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 215 East 83rd Street, Los Angeles, 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 25<sup>th</sup> day of SEPTEMBER, 1962.

George H. Hoover  
President

Robert J. Spink

Charles W. Bagley

Fredrick B. Hubloff  
Commissioners