

ORIGINAL

Decision No. 64402

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FRANK GALBRAITH,

Complainant,

vs.

THE PACIFIC TELEPHONE AND  
TELEGRAPH COMPANY, a California  
corporation,

Defendant.

Case No. 7381

Filed June 22, 1962

Marvin L. Klynn, for complainant.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
for defendant.

O P I N I O N

Frank Galbraith requests an order directing defendant to reinstall telephone service at his business, 2216 West Pico Boulevard, Los Angeles 6, California.

On July 9, 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. 353), on or about April 18, 1962, had reasonable cause to believe that the telephone service furnished to Frank Galbraith under number 382-5560 at 2216 West Pico Boulevard, 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 that decision.

A public hearing was held in Los Angeles, on August 30, 1962, before Examiner Robert D. DeWolf, and the matter was submitted on the same date.

Complainant testified his business is furniture manufacturing and the use of a telephone is essential in the conduct thereof. He is now the sole operator of the business and has not used said telephone for any unlawful purpose and will not do so in the future.

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

Exhibit 1 is a letter dated April 16, 1962, from the Chief of Police of the City of Los Angeles to the defendant, advising that the telephone furnished under number DU 2-5560, and one extension, at 2216 W. Pico, 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 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.

ORDER

The complaint of Frank Galbraith 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 place of business at 2216 West Pico Boulevard, Los Angeles 6, 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 16th day of OCTOBER, 1962.

George E. Hoover  
President

[Signature]

[Signature]

[Signature]

Frederick B. Hobbhoff  
Commissioners