

Decision No. 65129

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Thomas A. Cragg,
 Complainant,
 vs.
 Pacific Telephone and Telegraph
 Company, a corporation,
 Defendant.

Case No. 7470

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

O P I N I O N

Complainant seeks restoration of telephone service at 246 West Beach Avenue, Inglewood, California. Interim restoration was ordered pending further order (Decision No. 64464).

Defendant's answer alleges that on or about October 4, 1962, it had reasonable cause to believe that service to Thomas Cragg under number OR 2-5608 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to disconnect service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was called for hearing on January 8, 1963, and continued to February 13, 1963, on which date it was heard and submitted before Examiner DeWolf at Los Angeles, California.

By letter dated October 2, 1962, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 672-5608 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Applicant was not present at 3:00 p.m. on January 8, 1963, the time set for the hearing on the fifth floor of the State Office Building, Los Angeles, at which time it was continued to February 13, 1963. At 4:15 p.m., on January 8, 1963, complainant came to the office of Examiner DeWolf and stated that he had in error gone to a hearing room on the first floor of the building at 3:00 p.m. and waited for his case to be called. He then discovered he was in the wrong hearing room. Complainant requested that his case be submitted at the next hearing date upon the verified pleadings. On February 13, 1963, counsel for defendant telephone company stipulated that the complainant, if called, would testify to the truth of the allegations contained in the complaint, which stated that complainant has great need for telephone service and that he did not and will not use the telephone for any unlawful purpose.

There was no appearance by or testimony from any law enforcement agency.

We find that defendant's action was based upon reasonable cause, and that the evidence fails to show that the telephone was used for any illegal purpose. Complainant is entitled to service.

ORDER

IT IS ORDERED that Decision No. 64464, temporarily restoring service to complainant, is made permanent, subject to defendant's tariff provisions and existing applicable law.

This order shall be effective on the date hereof.

Dated at San Francisco, California, this 26th day of MARCH 1, 1963.

George A. Grover
President

[Signature]
[Signature]

Frederick B. Hobbuff

[Signature]
Commissioners