

ORIGINAL

Decision No. 65155

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CLEM LA CAVA,

Complainant,

vs.

Case No. 7523

PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,
A CORPORATION,

Defendant.

Clem La Cava, in propria persona.
Lawler, Felix & Hall, by A. J. Krappman, Jr.,
for defendant.

Roger Arnebergh, City Attorney, by Nowland Hong,
for the Police Department of the City of Los
Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at
5630 Klump Avenue, Apartment B, North Hollywood, California.

Defendant's answer alleges that on or about June 27, 1962,
it had reasonable cause to believe that service to Clem La Cava
under number PO 1-9906 was being or was to be used as an instru-
mentality directly or indirectly to violate or aid and abet
violation of law, and therefore defendant was required to discon-
nect service pursuant to the decision in Re Telephone Disconnection,
47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner DeWolf
at Los Angeles on February 20, 1963.

By letter of June 25, 1962, the Chief of Police of the
City of Los Angeles advised defendant that the telephone under

number PO 1-9906 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requesting disconnection (Exhibit 1).

Complainant testified that he is a part-time bartender and needs telephone service to gain employment; that he was present when the officers broke into his residence and arrested friends of his at his home with racing forms and handicapping papers in their possession on the premises. Complainant testified on cross-examination by the City Attorney that his friends were permitted to use his premises and telephone for local but not long distance phone calls, and that they met at his apartment prior to going to the race track. He testified he did not hear the phone ring while the officers were there, and that he did not know of any illegal use of his telephone. His telephone was disconnected in June of 1962 and he has not had a telephone since said time, a period of over eight months. He has great need for telephone service and testified he did not and will not use the telephone for any unlawful purpose.

A deputy city attorney appeared and intervened on behalf of the City of Los Angeles and cross-examined the complainant, but no witnesses were called to testify by intervener.

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

O R D E R

IT IS ORDERED that complainant's request for service is granted, and, 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 5630 Klump Avenue, Apartment B, North Hollywood, California, subject to defendant's tariff provisions and existing applicable law.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 2nd day of APRIL, 1963.

George G. Hoover
President

John S. Ketchum

Robert W. Long

Fredrick B. Holoboff

William W. Bennett
Commissioners