

ORIGINAL

Decision No. 65290

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Max Stone,  
Complainant,

vs

The Pacific Telephone and  
Telegraph Company, a  
corporation,

Defendant.

Case No. 7547

Max Stone, 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 installation of telephone service at 1518 N. Laurel Canyon Blvd., Apt. 2, Los Angeles 46, California. Interim restoration was ordered pending further order. (Decision No. 64925.)

Defendant's answer alleges that on or about January 15, 1963, it had reasonable cause to believe that service to Elizabeth Stone under number 656-7330 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 heard and submitted before Examiner DeWolf at Los Angeles, on March 18, 1963.

By letter of January 11, 1963, the Chief of Police of

the City of Los Angeles advised defendant that the telephone under number 656-7330 was being used for the purpose of arranging appointments in order to carry on the practice of prostitution in violation of Penal Code Section 647 (b), and requesting disconnection (Exhibit 1).

Complainant testified that he is the son of Elizabeth Stone the subscriber to telephone services which were disconnected. He testified that he was not present at the time of the disconnection but that his 63-year old mother who is living with his sister is suffering from failing eyesight, temporary aberrations and is mentally incompetent and requires limited control; that it is necessary for him to have telephone service at said address in order to assist in caring for his mother; that he assumes responsibility for the expense of said service; that he has great need for telephone service at said address and he did not and will not use the telephone for any unlawful purpose.

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

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 service.

O R D E R

IT IS ORDERED that Decision No. 64925, temporarily restoring service to complainant, is amended to show that it is

for the installation of new service, and, as such, that it be made permanent, subject to defendant's tariff provisions and existing applicable law.

This order shall be effective twenty days after the date hereof.

Dated at San Francisco, California, this 1st day of MAY, 1963.

Thomas J. Hoover  
President  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.