

ORIGINAL

Decision No. 65291

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RUBEN ALEXANDER,

Complainant,

vs.

Case No. 7554

THE PACIFIC TELEPHONE AND TELEGRAPH
COMPANY, a corporation,

Defendant.

Ruben Alexander, 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 2915 - 11th Avenue, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 64929).

Defendant's answer alleges that on or about October 4, 1961, it had reasonable cause to believe that service to Ruben Alexander under number RE 2-5307 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, California, on March 18, 1963.

By letter of October 2, 1961, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number RE-25307 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 employed as a cement finisher and needs the use of two telephones to secure employment and to carry out his occupation; that his wife was arrested and charged with bookmaking on September 30, 1961, and that she was acquitted of the charges; that his telephone has remained disconnected for over a year; that he has great need for telephone service, 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 restoration of service.

ORDER

IT IS ORDERED that Decision No. 64929, 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 1st day of May, 1953.

George T. Crover

President

Frederick B. Holboff

Walter W. Hayes

William W. Bennett

Commissioners

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