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ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Bob Jamerson,  
 Complainant,  
 vs.  
 The Pacific Telephone and  
 Telegraph Company, a  
 corporation,  
 Defendant.

Case No. 7531

Robert Lee Jamerson, in propria persona.  
Lawler, Felix & Hall, by A. J. Krappman, Jr.,  
 for defendant.

O P I N I O N

Complainant seeks restoration of telephone service at 1605 E. 97th Street, Los Angeles 2, California. Interim restoration was ordered pending further order (Decision No. 64829, dated January 22, 1963).

Defendant's answer alleges that on or about December 21, 1962, it had reasonable cause to believe that service to Bob Jamerson under number 566-9780 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 December 19, 1962, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 566-9780 was being used for receiving and forwarding bets in connection with bookmaking in violation of Penal Code Section 337a (Exhibit 1).

By a second letter dated February 12, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number LO 69780 was being used for receiving and forwarding bets in connection with bookmaking in violation of Penal Code Section 337a (late-filed Exhibit 2).

Complainant testified that he was arrested on or about December 19, 1962, and then released with no charges filed against him; that on January 5, 1963, his telephone was disconnected by defendant. On January 29, 1963, his telephone was reconnected by defendant in accordance with Decision No. 64829. Thereafter on February 11, 1963, he was again arrested and released and his telephone again disconnected on February 14, 1963; that his telephone remains disconnected since said time and that no criminal charges were filed against him. Complainant and attorney for defendant moved to amend the complaint and prayer and the defendant's answer to conform to the facts to show the second disconnection and to request relief therefor and such motion was granted. Complainant testified that he has need for telephone service in his shoeshine shop to contact his home and family and for use of his customers in the shop; that he has not used the telephone for bookmaking; that he has great need for telephone service, and 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 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 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 1605 E. 97th Street, Los Angeles, 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 Los Angeles, California, this 7th day of MAY, 1963.

George J. Hoover  
President

[Signature]

Fredrick B. Hallock

William W. Bennett

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Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.