

ORIGINAL

Decision No. 6532S

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN B. MARTINO,

Complainant,

vs.

Case No. 7553

THE PACIFIC TELEPHONE AND TELEGRAPH  
COMPANY, a corporation,

Defendant.

John B. Martino, 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 3322 West 8th Street, Los Angeles 5, California. Interim restoration was ordered pending further order (Decision No. 64928, dated February 13, 1963).

Defendant's answer alleges that on or about November 23, 1962, it had reasonable cause to believe that service to John B. Martino under number DU 7-0723 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 November 21, 1962, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number DU 70723 was being used for receiving and forwarding bets in connection with bookmaking in violation of Penal Code Section 337a (Exhibit 1).

Complainant testified that he is a barber and operates his own shop at the above address; that his telephone there is a semipublic pay station; that it is necessary for use of his customers and for his own use to contact his wife and two children at his home. He further testified that he was not arrested and that no betting markers were found in his shop; 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. 64928, temporarily restoring service to complainant, is 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 Los Angeles, California, this 7<sup>th</sup> day of MAY 1, 1963.

George H. Grover  
President

Frederick B. Holoboff

Stallman W. Bennett

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Commissioners