

ORIGINAL

Decision No. 65356

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

James L. Roberts

Complainant,

vs.

The Pacific Telephone Co.
and Telegraph Company,
a corporation.

Defendant.

Case No. 7548

James L. Roberts, 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 3956 South Halldale Ave., Los Angeles 62, California. Interim restoration was ordered pending further order (Decision No. 64926).

Defendant's answer alleges that on or about January 30, 1963, it had reasonable cause to believe that service to James L. Roberts under number AXminster 2-9929 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 April 1, 1963.

By letter of January 29, 1963, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number AX 29929 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 living with his sister and her daughter who is eleven years old, and that telephone service is necessary for the use of the family. Complainant further testified that a baby sitter who had been employed in the home was arrested for bookmaking and the phone was removed; that he was not arrested himself and that there are no pending charges against him; that he has no knowledge of any illegal use of the telephone; that he has great need for telephone service and 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 the 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.

O R D E R

IT IS ORDERED that Decision No. 64926, 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 San Francisco, California, this 14th day of MAY 1, 1962.

George H. Traver
President

John J. Lott

Fredrick B. Holbrook

William W. Bennett

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

Commissioners